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Supreme Court, U.S.
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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

MARY JONES-PETITIONER

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA-RESPONDENT

On Petition For A Writ Of Certiorari
To The Court Of Appeal Of The State Of California,
Second Appellate District, Division Eight

PETITION FOR WRIT OF CERTIORARI

Mary Jones, in pro se
P.O. Box 596
Beverly Hills, California 90213
310-927-4355

QUESTIONS PRESENTED

1. Is the Respondent's Whistleblower Retaliation Policy and the California Constitution Article IX, Section 9, in violation of the United States Constitution?

a. Did the Regents of the University of California's Whistleblower Retaliation Policy intend to abridge by fraud and coercion, the United States Constitution's First Amendment right to free speech?

b. Are the Regents of the University of California operating as a de- facto form of dictatorship that abridges 36.5 million American's rights to a Republican government?

c. Did the Appellate Court err with its decision in not reversing the trial courts order which denied Petitioner an injunction against the Respondent's

Whistleblower Retaliation Policy, with their opinion clearly based on erroneous findings of fact and the "word" of the Regents attorneys so as to continue the "cover-up" for the "Regent Supreme Law" instead of upholding the "Supreme Law".

LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and

[X] has been designated for publication July 14, 2008, the day it was determined:

Mary Jones v. Regents of the University of California. B196567 Second Appellate Court of California. July 14, 2008; 164 Cal.App.4th1072.

JURISDICTION

[X] For cases from state courts:

The date on which the highest state court decided my case was September 17, 2008.

A copy of that decision appears at Appendix C.

The jurisdiction of the Court is invoked under 28 U.S. C. § 1257 (a).

STATEMENT OF THE CASE

Article IX, section 9 of the California Constitution provides for the Respondent to be self governing and prohibits interference from the legislature or the people.

> "The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction

> contracts, sales of real property, and purchasing of materials, goods, and services." Article IX, Section 9 (a).

The Governor, Education Secretary and other elected officials would be on the Regent Board.

> "Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor..." California Constitution Article IX, section 9 (a).

28 U.S.C.§ 2403 (b) may apply and shall be served on the Attorney General in California.

Pursuant to 28 U.S. C. § 2403 (b) Petitioner did serve the California Attorney General a copy at all levels of her appeal and of the fact that the constitutionality of a statute and the California Constitution was drawn into question.

Plaintiff does not have any knowledge nor did she received notice that any courts notified or served the California Attorney General any notification or served copies in this matter.

Through the decades the California Supreme Court has upheld the "Regents" unusual omnipotence and their right to self rule, self govern, and their defiance of the laws where all others in the United States must obey or suffer the consequences.

Many years ago the University of California system was formed to provide a higher education for the people of California. This was the stated purpose

and the United States began to give them millions of dollars and have continued thereafter.

The California Constitution violated the foundation of the United States Constitution[1] and the separation of the branches of government with the Governor and others being on the "Regent" Board, etc. The provisions provided for the Respondent to be "self governing" "without legislative interference", provided a fertile foundation and framework for a dictatorship to grow in the next decades hidden under the guise of a "public trust". In this last decade, the Respondent has aggressively exploited their unprecedented, unlimited power operating insidiously amid "freedom" in the United States of America without restraint and without limitations to accumulate their wealth, holdings and power of influence at the expense of freedom of all the people in the United States. All the respondent had to do was take in the

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[1] Article IV and VI .

millions, receive all the benefits of a government entity (including being immune to fraud and immune to unfair business practices and no punitive damages (except in the California Whistleblower Protection Act) , unlimited money for their army of attorneys, keep their attorneys writing laws and getting a pass in the courts, letting the federal government and the taxpayers pay for their "private" business venture of becoming a world superpower of wealth, holdings and power. The State of California did not have adversarial checks and balance with separation of their branches of government with the Respondent being the de-facto dictatorship of the state.

The Respondents were not required to report their employment racial statistics as other corporations must do. The Respondent could violate the law with their power over the state departments with benevolence from the California State Courts; thus granting them the ability to circumvent punishment, liability and serious scrutiny.

The Respondent's goal was to be the superpower of the world by amassing wealth, power, a geographical monopoly of people and holdings, becoming a cult of personality within their overwhelming media of web pages, television, and newspapers of their own propaganda. The Regents had more than 2,500 buildings, ten large university campuses, more than 214,000 students, more than 170,000 faculty and staff, hundreds more contracted attorneys for their hundreds of lawsuits, more than 37,000 retires, more than 1.5 million living alumni, several law schools, several medical schools, many research facilities, many patients and powerful people distributed across the land including judges in important places and many who were their alumni. It operates the laboratory of the Department of Energy. And it has numerous for profit agreements all using the properties paid for by the tax payers and the United States government. It has contracted with one on the largest for-profit international

companies, Fidelity Investments, who has numerous vertical and horizontal family companies like Sedgwick, CMS, Inc. They are all big and strong; taking advantage of the small and weak. Plaintiff has standing of harm from their partnership, too.

The Respondent is a threat to the security of the United States and has already taken away the freedom of Americans (Petitioner).

The Respondent has been engaging in a form of ethnic cleansing. This ethnic cleansing is specifically defined as procuring a specific race for their desirable characteristics of higher intelligence, the propensity for inventions and innovative ideas, with submissiveness with a minimal desire to question authority. For over thirty years the Respondent has been selecting those people of the Asian race in their employment and in their acceptance of their university students. The Petitioner has standing as she was discriminated in favor of Asian employees. The Respondents (Ucla

medical center) are not required by law to report their racial employment statistics to outside agencies like other corporations and businesses. In a state and city where the Asian race is about 12%, the Petitioner's work environment was about 70% Asian. The well known web pages of "www.Collegeboard.com" and "www.Sparksnotes.com", illustrate how the Asian race admission rate of the Respondent is grossly inflated in comparison to the admission rate of African Americans, Hispanics and Caucasian races. The excess placement of law clerks of Asian heritage in the judicial branches supports this preference.

In 2001, in the same underground operating room which the Petitioner had been caring for patients and a medical team while receiving retaliation for whistleblowing against the Respondent(Ucla), the noted Japanese crime boss, Tadmasa Goto received a liver transplant. Mr. Goto was not supposed to come into the United States

because of his numerous criminal charges, but due to influence he was provided a Visa. During the same years that Plaintiff was sending an excessive amount of whistleblowing calls and notices, three others from the same Yakuza crime mob from Japan received livers (2001-2004) down in the basement where the Petitioner worked. They all received livers that had been donated, too. All the surgeries on these men of the Yakuza Japanese crime mob were done by the Ucla renowned Dr. Busuttil (and Fong Chu, RN) in operating room number 1 where the Petitioner worked. About 70 percent of the nurses and the Administrative Nurses were Asian. The Director, Dr. Chan, and the Assistant Director were Asian. During this time period the Petitioner wrote two different medical directors, two different chancellors, and the President of the Respondent without any intervention or help. Later the Respondent received more than one-hundred thousand dollars in donations and the Respondent placed a plaque over

the door in the operating room in honor of Mr. Goto. Donated organs in 2001-2004 were scarce. Dr. Busuttil made several trips to Japan. Dr. Busuttil is reported as being the highest paid department head of the Respondent. The Respondent made their fortune in the last decade at the expense of the patients and Americans and without the constraint of laws. The Petitioner, their employee and an American citizen was denied access to care and her injuries were hidden and concealed to protect the Respondent.

This is no accident, but is the contrived result of intended procurement of the Respondent to select what they consider to be the most desirable of the species of higher intelligence and the lowest propensity to question authority. The quest of the Respondent is to be the superpower and has been for decades quietly using a form of ethnic cleansing for their employees and for the population of California. The Respondent has desired immigrants as

collectively immigrants are less likely to rebel against injustices, thereby making the de-facto dictatorship of the Respondent easier.

The Petitioner worked as a professional nurse in the underground operating rooms for the Respondent under retaliation for her engaging in a protected activity of whistle blowing. The Petitioner sent a lengthy whistle blowing retaliation complaint letter to the President of the University. She had made numerous whistle blowing reports to the Respondent and outside agencies prior to this end. On more than one occasion the Petitioner attempted to file a retaliation complaint with the Respondent. On two formal occasions she was informed in writing she was required to follow the Policy and use the "form" which was contained in the Policy.

The Respondent's Whistleblower Retaliation Complaint Policy violated the United States Constitution Amendments I and XIV; the freedom of speech and the right to petition the courts. Moreover,

the Policy was intentionally constructed with lesser violations of fraud, blackmail, intimidation and coercion of the whistleblower.

The motives were several. The Regents avoided many lawsuits due to their undue influence in the various state departments and courts. And still, there were many lawsuits in court. Most all ruled in favor of the Respondent. A few reach the California Supreme Court. And there were two groups of attorneys in California. The ones who were hired by or wanted to be hired by the Respondent; then there were the rest. The others had no chance. Most all the attorneys in California were under the indirect control of the Respondents who had the support of the Courts. The State of California just recently put on their ballot a multi million dollar project for taxpayers for children's hospitals ; omitting to place on the ballot that the only hospitals in California who could receive any of the money were the Respondent hospitals.

The Respondent intended to de-fraud the whistleblower by cleverly wording the Respondent's Whistleblower Retaliation form to prevent a complaint being filed and to prevent exhaustion. Their goal was to silence the whistle blower during the final stage. This form was "required" by the Respondent's Policy. It was "required" of the Petitioner specifically on two occasions in a formal letter from the Respondent's retaliation complaint officer, Mr. Cormier. The whistleblower was required to sign his/her understanding and agreement to confidentiality with their signature under penalty of perjury. The form was written cleverly to de-fraud and trick the whistleblower at various steps. It was an intended misrepresentation that the declaration was "required" by the California Whistleblower Protection Act, which was erroneously and blatantly false. Lots of the employees are immigrants who don't have a full understanding of words and the law. Upon reading the "Regents" form with the statement

in bold, "Declaration (required per the California Whistleblower Protection Act)"[2], the whistleblower would most likely believe in the veracity of the truth and sign the form under penalty of perjury. They would be tricked as a result of their belief in its truth. The form was an intentional misstatement of the truth to get something of value from the whistleblower[3]. The fraud comes as a result of the Respondent piggybacking into the oath the Petitioner's waiving his or her right to the freedom of speech. This is intended fraud against the Petitioner, the people, and the United States Government. While a declaration of the retaliation is required by the statute, there is NO legislative requirement that a declaration including the waiver of the freedom of speech is required[4]. The California Legislature did

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[2] Appendix D and E.

[3] The restraint of future speech would be their gain; or a prevention of a complaint.

[4] That would be a violation of the United States Constitution.

not require this wavier; the Respondent DID. The Respondent required the wavier of the freedom of future speech with the intent to de-fraud, trick and silence the whistleblower. A wavier is a fancy way to restrain speech.

Either way the whistleblower is doomed if they sign the form their speech is gone freely, if they did not sign the form they are not able to file a complaint. And the California Supreme court said the Regents could require whatever they wanted and there had to be a complaint and there had to be exhaustion. The respondent promotes itself as benevolent, but is a menace to freedom, students and patients.

The reason for the fraudulent form was to trick the Whistleblower by waiving his or her freedom of speech making him or her become powerless and paralyzed. In the United States it is unlawful to require "payment" of some sort to file for remedy or to comply with the exhaustion of remedies

under the law. No alternative forms were given or noticed. No riders of any nature were on the form. Just because the Respondent attorneys told the Appellate Court the "form" was not required the Court made that their opinion. The evidence before the appellate court clearly by the Policy and with two different letters to the Petitioner that the "form" was required is a beautiful picture of the pervasiveness of the Respondent's de-facto dictatorship in the California Courts and State. It is the characteristics of dictatorship which tells the people that a blue paper is red and expects them to believe it. And in California they do. This threat against freedom and the United States is now entrenched into the minds and education and case law of the people of California. It is a state of emergency.

The Respondent said even in the case of a constitutional controversy, that the Petitioner is required to complete her complaint and exhaust her administrative remedies. This is incorrect and was

impossible, as to do so would have "required" the Petitioner to waive her freedom of speech which she refused to do. In the United States it is unlawful to force one to waive or surrender his or her basic, unalienable right to the freedom of speech. The Respondent "required" the Petitioner to waive her free speech as a condition to filing a complaint. The Petitioner did not, but filed her complaint in the California Superior Court at Los Angeles. The Policy stated the Petitioner could not seek remedy in the court in the event of an adverse decision (unless if was untimely answered; no time being stated). The Petitioner filed in the Courts and told the judge the Policy violated the United States Constitutional right to the freedom of speech and the right to seek remedy to the court in the case of an adverse decision. She told him her only recourse was to bring the United States Constitutional controversy into the Courts for remedy. The Superior Court based its decision upon the prior California Supreme Court of

Campbell[5]. Campbell said the Regents could require what they wanted in their policy as they were self governing, a complaint had to have been filed and that there was no recourse in the courts except for the Regents answer being untimely.

The Respondent is an evil empire which has harmed the Petitioner and which the Petitioner has witnessed so many patients and others harmed by their operation.

The Petitioner was seeking protection in the courts because the Regent Policy knowingly demanded voluntary free speech wavier. The Regents are their own judge and jury and this has been upheld by the California Courts.

Whistle blowing speech could never be characterized as censored speech. And it was not part of the Petitioners job duties. Her duties were to take care of patients. Its very philosophy is intended for the public. To censor or restrain the future speech

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[5] Campbell v. Regents of the University of California, (2005) 35 Cal. 4th 311.

of a whistleblower is to defeat the purpose and laws protecting whistle blowing.

The Petitioner filed in court not only for remedy of retaliation but filed for an injunction against the Respondent's Whistleblower Retaliation Policy. There had been several cases[6] of this matter that had gone to the California Supreme Court, each with a new reason why the Respondent won. The California Supreme Court opines about whether the legislature's intent was to allow access to the courts in the instance of an untimely decision by the Regents. These cases always end the same; eventually finding some reason to rule in favor of the Respondent. This is because the Respondent is a de-facto form of dictatorship in the State of California which is fully supported by the Judicial System of which the Respondents had mostly educated.

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6 Miklosy v. The Regents of the University of California S139133 (2008) Supreme Court decision in favor of Regents.

The fundamental problem with all these cases is the California courts wish to forget their state is a member of the union under the United States of America. And when the rights of an individual have been violated, ALL have a right under the First and Fourteenth Amendment of the United States Constitution to file their petition and to redress their grievances in the Courts. With a whistleblower retaliation complaint to the Regents, the "Regents" is the "judge". The principle of natural justice is that no person can judge a case in which he or she is a party (natural justice, nemo judex in sua causa). "To suppose 'due process of law' meant one thing in the Fifth Amendment and another in the Fourteenth is too frivolous to require elaborate rejection." [7]

The Petitioner's motion for an injunction against the Regents' Whistleblower Retaliation Policy was denied. A few days later her complaint for

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[7] Malinski v. New York 324 U. S. 401, 415 (1945)

whistleblowing retaliation remedy was also thrown out. As a result, the Respondent's de- facto dictatorship gets stronger.

Prior California Case law[8] had stated that the Regents could require whatever they wanted in their Policy and as well affirms their privileged de-facto form of dictatorship provision in the California Constitution. They stated there had to be an exhaustion of administrative remedies. They stated a complaint had to be filed with the Respondent. The Plaintiff informed the Superior court that the reason she sought the court was because to file a complaint would require her to violate her United States Constitutional First Amendment right to her freedom of speech and the right to petition the courts in the case of an adverse decision. She informed the Superior Court her rights under the United States

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[8] Campbell v. Regents of the University of California (2005) 35 Cal. 4th 311

Constitution were being violated. The Campbell[9] case which the Superior Court, the Appellate Court and Petitioner used in their filed papers tells the story by the use of its case law, of how the Respondent violates the United States Constitution Article IV with their provisions under the California Constitution. The California Courts look the other way from the United States Constitution as if it were distasteful[10], failing to uphold the Supremacy Law, Article VI of the United States Constitution.

This Respondent's policy and supporting case law represents, at many levels, the violations against the United States Constitution.

The Appellate court erred in not reversing the trial Court's denial of her motion for an injunction against the Regents Whistleblower Retaliation Policy. Now that the Appellate court's opinion is published it permanently supports the Respondent's

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[9] Campbell v. Regents of the University of California (2005) 35 Cal. 4th 311.

[10] Tory v. Johnnie L. Cochran 544__U.S. (2005)

dictatorship and disdain for the Constitution of the United States of America. It daily teaches to the young a wrong message of what freedom in America is supposed to be. It denies freedom to 36.5 million Americans in California.

The California Second Appellate Court failed to uphold the oath they took to uphold the United States Constitution. They clearly based their opinion[11] on erroneous findings of fact and stated in the opinion they took the word of the Respondent's attorneys instead of the evidence which showed otherwise. The evidence is the evidence of the two letters from the retaliation officer instructing the Petitioner "if"[12] she wishes to file a complaint she must complete the "form". As well, the policy stated the form must be completed. The only "evidence" that stated the form was not required was the "word" of the attorneys for the Respondents. This Respondent

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[11] Appendix A

[12] Appendix D and E.

Policy is an example of the evil empire and de- facto dictatorship of the Respondent. It violates the United States Constitution and the Policy should have an injunction against it as well as against the Respondent's placement in the California Constitution which denies freedom.

The Petitioner believes this has nothing to do with facts and evidence, but just the unconstitutional way the California judicial system functions randomly without purpose in relationship to the law, the facts, and rules for the most influential. This is the way of the California Courts, which deny justice to the people.

July 14, 2008[13], is a sad day in the history of the California Courts, which for thousands of future young minds to read will teach and educate the disdain of freedom and glorification of a dictatorship

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[13] Certified for Publication in the Court of California, Second Appellate Court
164 Cal.App.4th1072 (2008)

in the United States of America. The chill (freeze) will never thaw.

The Respondent is a violation against the United States of America. They have for decades been guilty of teaching immigrants, children and citizens acts of dictatorship instead of democracy and freedom. The Respondent currently denies freedom to 36.5 million people living in America.

REASONS FOR GRANTING THE WRIT

The Respondent is responsible for the denial of 36.5 million U.S. Americans' freedom and right to a republican government, the freedom of speech and the right to petition the court for redress. The Respondent has caused the harm of hundreds of patients in their medical facilities. The Respondents are an evil dictatorship which for the last decade has amassed millions of dollars and power under the guise of medical care and education. They have defrauded the American people (Petitioner) and have insured that the people of California cannot get a quality education and quality medical care along with remedy for medical harm. The California Courts over the decades in the trial court level and in case law have deferred to this de- facto "ghost" dictatorship. The Respondent has led the way to deny medical malpractice in California so they will not be held accountable for their harm against the

most vulnerable while they make their profits becoming a superpower with their cult of personality. Countless people have been harmed by the Respondent. The Respondent has unlimited funds for their army of attorneys who win their cases in an arena without freedom and justice. The Respondents have exploited and stepped on the vulnerable, the poor, the sick, the weak, and the immigrants to make their profits and become a superpower in the world threatening the United States.

All this is the direct result of a cloistered dictatorship a long way from Washington, D.C. It is in the interest of justice and in the interest of freedom and in the interest of the security of the United States that this writ should be granted.

For about nineteen months the Petitioner whistle blew to the Respondent and then to other agencies without intervention. Without intervention she was retaliated against until she met with physical injury. The Respondent denied her medical

treatment and covered up her injuries. Because of the Respondent's power, her case was thrown out of court[14] along with the disdain of her constitutional rights. The Regents and the courts censored her over and over. In California all the attorneys succumb to the power of the Respondent via the judicial system. If someone goes against the Respondent too loudly, it is likely something will happen to them. Instead of Regent advocates working legally through process, people who try to seek justice get harmed by dirty tricks. This "form" which may seem trivial and innocent is a symbol and icon of how the Regents dirty tricks are pervasive into all layers of California society which has fastened its strong roots in all aspects of Americans in California. The Petitioner is seeking justice for all people in California through her own standing to request review for pervasive unending injustice and harm.

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[14] Superior Court of California, SC096749, Mary Jones v. The Regents of the University of California

Steven Yagman, well known plaintiff's civil rights attorney, took the federal case to represent the young student who the Ucla police tasered because he did not have an ID with him. This tasering was captured on videos that have amassed large worldwide audiences on www.youtube.com.

A few months later, Mr. Yagman was arrested and placed in prison for tax evasion. Mr. Yagman had years of history of representing civil rights cases against the Los Angeles police.

There is no justice in California and Los Angeles. And, the foundation for this is the Regents of the University of California functioning for decades as a de- facto dictatorship in violation of the Federal Constitution.

Freedom is absent for 36.5 million Americans. The Regents of the University of California has been selecting what they believe to be the most intelligent race with less likelihood to speak out against injustice. California purposely seeks huge numbers

of immigrants to exploit their vulnerability to abusive power and intimidation. The United States sends soldiers across the seas in the name of freedom; 36.5 million Americans are living under oppression and tyranny of a de- facto form of dictatorship. The Regents are a financial and insidious international threat to the United States. The Regents have been building their contacts with China and the international powers. The Regents of the government of California have amasses a fortune; at the expense of the weak.

This is more reason to hear this writ. California is a Police State with the rights under the United States being trashed for years. It is a long way from Washington D. C., but people are U.S. citizens. There exist conspiracy in California by the judicial and Regents powers to ignore the United States and its laws. There is a distinct disrespect in the California judicial system to federal laws.

California is a distinct threat to the United States of America and if not checked it will be too late.

The people in California are oppressed by the de- facto dictatorship regime. The common man is afraid to speak out. This writ is necessary to bring some justice to the 36.5 million Americans who are denied.

It will take a miracle to bring about the freedom to those other than those privileged to be connected with this de- facto form of dictatorship government. The State of California is too big.

The Second Appellate Court of California succinctly upheld the freedom of speech in a case[15] several years ago. Now they do not; dictatorship.

"Prior restraints on speech and press are disfavored and presumptively invalid. Also, prior restraints are not permitted to stop the publication of a defamatory statement; the truth or falsity of a

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[15] Melissa Gilbert v. National Enquirer Inc. et al.(1996) 43 Cal.App.4th 1135.

statement on a public issue is irrelevant to the question whether it should be repressed in advance of publication. The concept that a statement on a public issue may be suppressed because it is believed by a court to be untrue is entirely inconsistent with constitutional guarantees and raises the specter of censorship in a most pernicious form. Moreover, the California Constitution provides an even broader guaranty of the right of free speech and the press than does U.S. Const., 1st Amend."[16]

A confidentiality clause is just a fancy way to write someone is surrendering certain rights of speech, if they legally sign it.

Has someone changed the First Amendment to the United States Constitution? The difference was, this other case was not the "Respondent" and the pervasiveness of the Respondent's undue influence in the California Courts is now becoming a noticeable

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[16] Melissa Gilbert v. National Enquirer Inc. et al. (1996) 43 Cal. App. 4th 1135.

threat (money, power, oppression) to the security of the United States of American and to freedom.

As just one example of how pervasive the Respondent's de-facto "ghost" dictatorship is in the Judicial System of California, is when the Petitioner filed[17] for medical malpractice and fraud against the Respondent because they covered up her injury she sustained as a result of the months of working under duress of retaliation. Plaintiff filed for the judge to recuse himself due to undue influence of his entire professional education and his being a professor as a paid staff member of the Respondent's Law School. The judge in this matter was so biased and devoted to the well fare of the Respondent he misstated facts in his declaration under penalty of perjury just so he could stay on Petitioner's case and dismiss it unfairly. In this case too, the Petitioner had filed a

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[17] California Superior Court at Santa Monica, Mary Jones v. The Regents of the University of California
SC096749

motion for an injunction against the Respondent's unlawful privileges in the California Constitution which was met with denial and swift dismissal of her case unjustly. Plaintiff cannot take every case to appeal and believes this case at bar will provide the most future protection of people's rights under the United States Constitution in a state of the union.

The California Courts do not function by law but by influence and the Respondent is responsible for most all the law schools in the state. Their education is very sub-standard because all their services are at the expense of making a profit to be the international superpower. They are a threat to the security of the United States. They have more money and more power in strategic places than the United States.

The Respondent operates as a de- facto form of dictatorship; a "ghost" dictatorship[18]. All over the

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[18] The Courts have determined the "Regents" are not a person but a legal entity as a corporation. Regents v. Superior Court (1970) 3 Cal.3d 529, 536.

large state of California, in the judicial courts, this "legal entity" is protected with deference by the judicial system such that attorneys seem superfluous. No where in a society of freedom does an entity receive all the benefits of the government and all the freedom to deny laws and accountability to the people. How easy it would be to amass a fortune when one had no requirements and no consequences to their actions. The only one requirement is to accept money, never having to give it out and be held accountable. This is the United States and there is a Supreme Constitution which the policy of the Respondent violates and which provisions provided for it in the California Constitution violates fundamental unalienable rights of the Petitioner and 36.5 million Americans.

This Respondent has used a form of ethnic cleaning to obtain what they believe is a more perfect society in their quest for a superpower of wealth. They have already permeated and invaded the

California Courts to ignore the United States Constitution and its Supreme Law. The Respondent extremely racially discriminates against the black African American male and the white female and Hispanics.

This is a case of fraud against the United States Government and against 36.5 million Americans. For decades the federal government has been supplying the Respondent millions of dollars when the Respondent has been defiant of the United States Constitution and of the unalienable rights of the People (Petitioner).

The reason for granting this writ is because the Respondent is a de- facto dictatorship in the State of California, denying freedom to 36.5 million Americans. Their Policy censors the people to maintain their status quo.This dictatorship is in violation of the United States Constitution.

CONCLUSION

The Petitioner respectfully requests the petition for a writ of certiorari should be granted.

Respectfully submitted,

Mary Jones, Petitioner

December 1, 2008

APPENDIX A

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

MARY JONES,

Plaintiff and Appellant,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Defendant and Respondent,

B196567

(Los Angeles County Super. Ct. No. BC344988)

Filed July, 14, 2008 Joseph A. Lane

APPEAL from an order of the Superior Court of Los Angeles County. Edward A. Ferns, Judge. Affirmed.

Mary Jones, in pro. per., for Plaintiff and Appellant.

Lewis Brisbois Bisgaard & Smith, Alan R. Zuckerman and Keri Lynn Bush for Defendant and Respondent.

Plaintiff Mary Jones appeals from an order denying her motion for an injunction barring defendant, The Regents of the University of California (university), from requiring that administrative complaints of whistleblower retaliation be presented on a form that plaintiff contends violates constitutional free speech rights. The trial court denied the motion, both on equitable grounds and for legal reasons concerning the merits. We affirm, principally because we agree with the trial court that, as the university represented, the form was optional not mandatory, and hence an injunction was unnecessary.

App. 3

FACTS

Plaintiff, a nurse employed at the University of California, Los Angeles (UCLA), filed a superior court complaint for employment discrimination and retaliation. She asserted, inter alia, that she had undergone adverse employment action in retaliation for reporting unsanitary and unsafe practices at UCLA hospital, where she worked. On the university's motion to strike, the trial court ruled that with respect to her allegations of whistleblower's retaliation, plaintiff had failed to exhaust internal administrative remedies, as required by Government Code section 8547.10, subdivision (a) (undesignated section references are to that code), a provision of the California Whistleblower Protection Act (§ 8547 et seq.) concerning university employees.

Plaintiff proceeded to file a first amended complaint (FAC). Her renewed retaliation cause of action alleged that she had exhausted her remedies as far

as lawful, but had not filed the administrative complaint section 8547.10, subdivision (a) required, because the form for it called for her to waive her First Amendment rights, by agreeing to comply with a confidentiality provision, which stated that parties were expected to keep the proceedings confidential. Plaintiff repeated these allegations in further portions of her FAC, which prayed for an injunction against requiring a waiver of free speech rights as a condition of filing a whistleblower retaliation claim.

Plaintiff then filed a motion for such an injunction. She attached two "UCLA Whistleblower Retaliation Complaint Forms" she had received. Both contained a three-paragraph "Confidentiality Statement," generally to the effect that the univc .sity would handle the complaint as a confidential matter, and would disclose it and information derived from investigating it only as required by law, or to those requiring such disclosure to resolve the complaint or assist in its investigation. In addition, before the

results of the investigation were reported, the person accused of retaliation would be allowed to review and respond to the information to be relied on for an adverse finding. University employees were required to cooperate in the investigation, as requested; failure to do so "may warrant findings adverse to that party." Most relevant here, the confidentiality statement provided that "Until the decision in the matter is reached or the complaint is dismissed or otherwise resolved, persons who are parties to the complaint are expected to treat the matter as confidential so *as* not to compromise any investigation and to respect the rights of the parties." (Italics added.)

The form then contained a three-sentence "Declaration", labeled as "required per the California Whistleblower Protection Act." The first sentence constituted a declaration under penalty of perjury of the truth of the facts stated in the complaint and any information submitted with it. As plaintiff stresses,

only this declaration was actually required by statute, namely section 8547.10, subdivision (a). The second sentence then stated, "I agree to cooperate in any investigation of this matter, and declare that I have read, understand, and *will comply with the confidentiality requirements stated above."* (Italics added.) The third sentence acknowledged that communications with the claimant's named representative would be treated as having been made with the claimant.

In its points and authorities in opposition to the motion for injunction, the university asserted, inter alia, that use of this complaint form (the form) was not mandatory for a whistleblower retaliation complaint, as long as the complainant fulfilled the statutory requirement (§ 8547.10, subd. (a)) of a statement made under penalty of perjury. The university explained that although plaintiff contended the form's requirement of confidentiality restricted her constitutional rights, "nothing requires

that a complainant use this form.... Plaintiff could have filed a complaint without the form provided that her complaint included a sworn statement made under penalty of perjury. As the form is optional, it cannot be said to in any way restrict Plaintiff's speech." An injunction therefore was not necessary. The trial court denied the motion for injunction. In its tentative ruling, the court stated as reasons that (I) there was no threat of irreparable harm; (2) the requirement of a sworn declaration for *a* university whistleblower retaliation complaint had been sustained in *Campbell v. Regents of the University of California* (2005) 35 Cal.4th 311 *(Campbell)* [1]*; (3)* "The recommended form provided by the university need not be used by a complainant"; and (4) the form did not restrict First Amendment rights, but rather

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[1] *Campbell, supra,* 35 Cal.4th 311, did not pass on section 8547.10. subdivision (a). The case held that a university employee had to exhaust administrative remedies before filing a retaliation suit under certain whistleblower statutes.

"simply informs that discretion is expected." Plaintiff noticed this appeal.[2]

DISCUSSION

Plaintiff contends that the form's provision that she agree to comply with the form's confidentiality requirements violates both federal and California constitutional guarantees of free speech (U.S. Const., amends 1, 14; Cal. Const., Art. I, § 2(a)), because it requires plaintiff to waive exercise of those rights, by

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[2] The court later granted the university's motion to strike, among other things, plaintiff's allegations of whistleblower retaliation, for failure to exhaust administrative remedies. Concurrently, the court sustained, with leave to amend, the university's demurrer to the causes of action that pled plaintiff's First Amendment claim. We dismissed plaintiff's appeal from this order, which did not constitute a final, appealable judgment. Similarly, plaintiff's present requests for reversal of orders besides the denial of the motion for injunction exceed the scope of her appeal.

way of "whistleblower speech." Concurrently, plaintiff contends that the requirement of such a waiver by a complaining whistleblower itself constitutes retaliation, impermissible under Labor Code section 1102.5.

We note initially that plaintiff misconstrues the reach of the form's confidentiality requirements. As applicable to a complainant, the confidentiality statement in terms requires only confidential treatment of the administrative "matter" the form commences.

Moreover, that requirement applies only until the matter is resolved. The provision does not preclude any completed or new "whistleblowing," nor does it call for confidentiality about anything other than the administrative proceeding undertaken with the complaint.

With respect to this remaining range of confidentiality, regarding the proceeding itself, plaintiff failed to establish entitlement to an

injunction, primarily because it was not necessary. The university declared below, and the trial court ruled, that use of the form was not required to initiate a whistleblower retaliation complaint. The university echoes that position here: it characterizes the form as "an optional form," containing "an optional request," and it acknowledged that status at oral argument. This understanding comports with the university's formal Whistleblower Protection Policy, of October 4, 2002, which describes the contents of a sufficient retaliation complaint, does not refer to confidentiality, and provides for amendment of an inexact complaint. (http://www.ucop.edu/ucophome/ coordrev/policy/10-04-02 retaliation.pdf at p. 6, §1V.D.1 (as of June 19, 2008).) Although the record reflects certain somewhat inconsistent statements preceding this litigation,[3] we consider valid and binding the

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[3] Thus, (1) UCLA's own whistleblower complaints procedure (filed with the university's brief below) included the form as an

university's representations to this court and the trial court, that the form is not a mandatory or exclusive means for presenting a whistleblower retaliation complaint, so long as the requirements of section 8547.10, subdivision (a) are met. Because plaintiff therefore need not subscribe to the language in the form that she deems constitutionally offensive, denial of the requested injunction was proper.[4]

A second reason why plaintiff cannot here prevail is that she has failed to make an adequate

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attachment and stated that a complainant should file it; (2) plaintiff received the same advice from UCLA's designated official for receiving complaints; and (3) as noted, the form itself incorrectly states that section 8547.10, subdivision (a) requires the complainant's undertaking of confidentiality.

[4] There may be cases in which confusion over the necessity of the form or its contents will have delayed the filing of a complaint, beyond the time ordinarily required. In such a case, UCLA's original failure to make clear the optional nature of the form may merit consideration.

showing on her claim of free speech violation. She flatly avers that the form's provision for claimant confidentiality is unconstitutional, without considering or discussing the existence or strength of any public interests that may support the limited restriction, including those recited in the provision itself.

This court confronted a similar situation in *Doe I v. Superior Court* (2005) 132 Cal.App.4th 1160, in which the plaintiffs in a group of tort cases opposed a protective order that would keep confidential materials that had been prepared for mediation. Responding to plaintiffs' contention that the order, and implicitly the statutes requiring it, "would act as a prior restraint on free speech" *(id* at 1170), we stated: "We do not believe plaintiffs have properly briefed the issues they have placed before us. Plaintiffs' argument is really an attack on the constitutionality of sections .... [W]e believe such an argument would, at a minimum, have to address the

governmental interests served by mediation confidentiality and an analysis that distinguished information obtained solely by virtue of the mediation process from information obtained solely by virtue of pre-trial discovery. [Citation.] Plaintiffs have failed to do so, and we therefore deem the issue waived. [Citation.]" (Id. at p. 1171.) A comparable situation obtains here, and the result must be effectively the same.

Finally, we reject plaintiff's claim that the form's confidentiality requirement is itself an act of whistleblower retaliation, violative of Labor Code section 1102.5. The form was intended to remediate whistleblower retaliation, and its limited (and optional) requirement of applicant confidentiality does not constitute an adverse employment action. (See *Patten v. Grant Joint Union High School Dist.* (2005) 134 Cal.App.4th 1378. 1384, 1387-1388.)

DISPOSITION

The order denying the motion for injunction is

affirmed. The parties shall bear their own costs.

CERTIFIED FOR PUBLICATION

COOPER, P. J.

We concur :

RUBIN, J.

FLIER, J.

APPENDIX B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/06/06

DEPT. 69

HONORABLE. EDWARD A. FERNS JUDGE

L. MARKMILLER DEPUTY CLERK

A. AYALA, C.A. Deputy Sheriff

J. INGEME Reporter

8:30 am BC344988

MARY JONES

VS

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Plaintiff IN PRO PER:

Counsel Mary Jones ✓

Defendant LEWIS/BRISBOIS/BISGAARD/ SMITH

Counsel Keri Lynn Bush ✓

NATURE OF PROCEEDINGS:

- MOTION BY PLAINTIFF, MARY JONES, IN PRO PER, FOR INJUNCTION AGAINST DEFENDANT THE REGENTS OF THE UNIVERSITY OF CALIFORNIA;

The motion is called for hearing and is denied.

Responding party is to give notice.

Page 1 of 1 DEPT. 69

MINUTES ENTERED

12/06/06

COUNTY CLERK

APPENDIX C

Court of Appeal

Second Appellate District, Div. 8 - No. B 196567

S165805

IN THE SUPREME COURT OF CALIFORNIA

En Banc

MARY JONES, Plaintiff and Appellant,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Defendant and Respondent.

The petition for review is denied.

SUPREME COURT

FILED

SEP 17 2008

S:/ (stamp)Frederick K. Ohlrich Clerk

Deputy

S:/(stamp) GEORGE

Chief Justice

APPENDIX D

UNIVERSITY OF CALIFORNIA, LOS ANGELES
UCLA

ADMINISTRATIVE POLICIES & COMPLIANCE
2255 MURPHY HALL
405 HILGARD AVENUE
LOS ANGELES, CA 90095-1405
TEL (310) 825-4010
FAX (310) 825-3803

February 9, 2005

PERSONAL & CONFIDENTIAL

Mary Jones, R.N.

139 1/2 S. Bedford Dr.

Beverly Hills, CA 90212

Re: **Your Letters to President Dynes and Chancellor Carnesale**

Dear Ms. Jones:

This will serve to respond to your letter to President Dynes, dated December 31, 2004, which was referred to the campus, and the similar letter sent to Chancellor Carnesale, which was undated but which was received by the Chancellor's office on February 3, 2005. Both of the letters contain allegations of retaliation by your supervisor and others at the UCLA hospital. In your letter to Chancellor Carnesale you proposed to settle your outstanding claims against the University for the sum of $400,000. Your letters were referred to me as the whistleblower retaliation complaint officer for the campus and so that I can advise you on the process for filing a whistleblower retaliation complaint should you wish to do so.

Please be advised that there is no basis for the University to settle any claims with you at this point in time. I have confirmed with Healthcare Human Resources that you have filed a number of grievances which have not yet all been resolved. The University

takes your grievances seriously and will respond to each of them in accordance with the applicable process. You or your union representative may wish to contact Healthcare Human Resources if you have any questions about the status of pending grievances.

In addition to the grievances you have filed, you have the option of filing a separate whistleblower retaliation complaint under the University's Whistleblower Protection Policy if you believe you have been retaliated against for engaging in the type of activity that is protected under the Policy. I have enclosed a copy of the UCLA Whistleblower Retaliation Complaint form and a set of guidelines which describes the types of complaints that can be considered under the Policy. You have up to one year from the time of the alleged retaliation to file such a complaint. However, please be aware that the Policy provides that if you file a separate retaliation complaint with my office and you also file or have

filed a grievance or grievances alleging retaliation regarding the same factual circumstances, the separate retaliation complaint will be held in abeyance until the grievances have been resolved. This is explained in the attached guidelines. You should also review the Whistleblower Protection Policy which is available at the following Web site: <http:/ /ucwhistleblower.ucop.edu>.

Sincerely,

/s/ [WH Cormier]

William H. Cormier

Director

(Locally Designated Official)

Enclosures

cc (w/o enc.): Chancellor Albert Carnesale

Sr. Associate Director Mark Speare

I

APPENDIX E

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Berkley Irvine Davis Los Angeles Merced Riverside

San Diego San Francisco Santa Barbara Santa Cruz

August 14, 2006

PERSONAL & CONFIDENTIAL

Mary Jones, R. N.
P.O. Box 596
Beverly Hills, CA 90213

Re: Your Letter to Acting Chancellor Abrams, dated July 26, 2006

Dear Ms. Jones:

This will serve to respond to dated July 26, 2006 letter to Acting Chancellor Abrams alleging that UCLA has continued to retaliate against you for reporting "unsafe underground surgery" and demanding compensation. Your letter was referred to me as the Locally Designated Official for coordinating complaints filed under the University's Whistleblower Policies. The purpose of this reply is to again advise you of the process to be followed for the filing of a retaliation complaint in accordance with the applicable policies and procedures. Questions you may have concerning workplace-related injuries, worker's compensation insurance benefits, or medical insurance coverage that you describe, should be directed to Health care Human Resources or Insurance & Risk Management.

In my letter to you of February 9, 2005, responding to allegations you made in letters to President Dynes in December 2004 and Chancellor Carnesale in February 2005, I advised you of the process for filing a retaliation complaint and enclosed a copy of the UCLA Whistleblower Retaliation Complaint Form that is to be completed by those wishing to submit a separate retaliation complaint under the applicable University Whistleblower Protection Policy and the UCLA campus procedure. I also pointed out in that letter that University policy requires that such a compliant be filed within twelve months of the alleged retaliation. You did not submit such a complaint on the required form or otherwise respond to my letter. In my letter to you of February 28, 2006, I confirmed we had not received a retaliation complaint from you and that we considered the retaliated matter closed.

However, you may still file a retaliation complaint with this office provided you do so in accordance with

the applicable procedures, including completing and signing a copy of the required retaliation complaint form. In accordance with the applicable policy and as explained in my earlier letter, the evaluation of such complaints is limited to a consideration of acts of retaliation alleged to have occurred within the last twelve months prior to when a complaint is received. I have enclosed a copy of the applicable UCLA procedure 620.1 (the complaint form appears as Attachment B) and the Universities Whistleblower Protection Policy.

If you do chose to file a retaliation compliant, please note that you must specify what you reported, to whom it was reported, when it was reported, what adverse employment action or actions you experienced, when each occurred , and who you believed was responsible for such actions. In particular, with reference to the claims made in your July 26th letter, you need to clarify whether your complaint is concerned with continuing retaliation by

your supervisor or supervisors, and, if so, what actions alleged to be retaliatory each has taken. If you are alleging that the discontinuation of your medical insurance, the withholding of care, or other worker's compensation treatment problems constitute retaliatory actions, in order for your complaint to be successful it will need to be established that there was a causal connection between any reports you may have made and any retaliation you may have experienced.

Regarding the twelve-month limitation on allegations of retaliation, we are willing to grant an extension for filing a complaint regarding any retaliation you allege occurred on or after July 26, 2005 (twelve months before the date of your letter to Acting Chancellor Abrams) , provided that we receive a formal complaint from you on the proper form by September 15, 2006. If we do not receive such a compliant by September 15, 2006, then the twelve-

month limitation would be based on the date the complaint is received.

Finally, since you have not exhausted available dispute resolution remedies there is no basis at this time for the University to discuss a settlement of your claim for monetary damages.

Sincerely,

/S/ William H. Cormier

Director

(Locally Designated Official)

Enclosures

cc(w/o enc.): Acting Chancellor Norm Abrams

Employee/Labor Relations Director Maure Gardner

APPENDIX F

Related Actions (other proceedings in which above retaliatory actions were considered)

Type of Proceedings/Case Number:	Date Initiated:	UC administrator coordinating the matter:
State the outcome or current status of the proceeding:		

Declaration

Pursuant to the California Government Code section 8547.10, I swear under penalty of perjury under the laws of the State of California that the facts set forth in the statement of the complaint, above, and in any

supporting information submitted with the complaint, are true and correct to the best of my knowledge and belief. I declare that I have read, understand, and will comply with the confidentiality requirements of the Whistleblower Retaliation Complaint Confidentiality Statement. If I have designated above a person to represent me in this matter, I understand that all notices to and communications with the named representative will be treated as if such notices and communications had been made to me.

_____

Complainant's Signature

_____ _____

Date

Whistleblower Retaliation Complaint Confidentiality Statement

A Whistleblower Retaliation Complaint is dealt with by the University as a confidential matter. The

complaint and any information derived as a result of an investigation of the complaint will be disclosed only to persons with a legitimate need to know in order to resolve the complaint or to assist in an investigation of the matter, or in other circumstances where the University is required by law to release the information.

The complaint itself and other information submitted by the complainant in support of the complaint will be made available to the person accused of the retaliation. Other information that may be derived from an investigation of the matter may, at the discretion of the investigator, be revealed to other persons, including a party to the complaint, in order to ascertain the truth of matters asserted or to otherwise further the investigation. Before the investigator reports the results of an investigation, the person accused of the retaliation shall be given a reasonable opportunity to review and provide a response to any information upon which the

investigator intends to rely in reaching findings or conclusions adverse to such person.

Until a decision in this matter is reached or the complaint is dismissed or otherwise resolved, persons who are parties to the complaint are expected to treat the matter as confidential so as not to compromise any investigation and to respect the rights of the parties. All University employees are required to cooperate as requested in the investigation of Whistleblower Retaliation Complaints. The unwillingness or inability of a party to a complaint to cooperate in an investigation may warrant findings adverse to that party.

Submitting a Complaint

An employee or applicant for employment who believes he/she has been retaliated against in violation of the Whistleblower Policy can complete the Whistleblower Retaliation Complaint Form and

submit the form marked "Confidential" to the following address:

Retaliation Complaint Officer
UCLA Office of the Administrative Vice Chancellor
2255 Murphy Hall
Los Angeles, CA 90095-1405
CAMPUS MAILCODE: 140501

APPENDIX G

Complainant's Contact Information

Phone:	Department:
E-Mail:	Mailing Address:

Complainant's Designated Representative (optional)

Name:	Job Title/Classification:
Phone:	Department or Affiliation:
E-Mail:	Mailing Address:

Confidentiality Statement

A Whistleblower Retaliation Complaint is dealt with by the University as a confidential matter. The complaint and any information derived as a result of an investigation of the complaint will be disclosed only to persons with a legitimate need to know in order to resolve the complaint or to assist in an investigation of the matter, or in other circumstances

where the University is required by law to release the information.

The complaint itself and other information submitted by the complainant in support of the complaint will be made available to the person accused of the retaliation. Other information that may be derived from an investigation of the matter may, at the discretion of the investigator, be revealed to other persons, including a party to the complaint, in order to ascertain the truth of matters asserted or to otherwise further the investigation. Before the investigator reports the results of an investigation, the person accused of the retaliation shall be given a reasonable opportunity to review and provide a response to any information upon which the investigator intends to rely in reaching findings or conclusions adverse to such person.

Until a decision in the matter is reached or the complaint is dismissed or otherwise resolved, persons who are parties to the complaint are expected to treat the matter as confidential so as not to compromise any investigation and to respect the rights of the parties. All University employees are required to cooperate as requested in the investigation of Whistleblower Retaliation Complaints. The unwillingness or inability of a party to a complaint to cooperate in an investigation may warrant findings adverse to that party.

Declaration (required per the California Whistleblower Protection Act)

I swear under penalty of perjury under the laws of the State of California that the facts set forth in the statement of the complaint, and in any supporting information submitted with the complaint, are true and correct to the best of my knowledge and belief. I

agree to cooperate in any investigation of this matter and declare that I have read, understand, and will comply with the confidentiality requirements stated above. If I have designated a person above to represent me in this matter, I understand that all notices to and communications with the named representative will be treated as if such notices and communications had been made to me.

_____ _____

Complainant's Signature Date

_____ _____

County Where Signed U.S. State Where Signed

Rev. July 2005

APPENDIX H

LOS ANGELES, CALIFORNIA, TUESDAY, DECEMBER 6, 2006

DEPARTMENT NO. 69 HON. EDWARD A. FERNS, JUDGE

--- O ---

THE COURT: NUMBER 12, JONES VERSUS THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

STATE YOUR APPEARANCES, PLEASE.

MS. JONES:

GOOD MORNING, MARY JONES IN PRO PER.

MS. BUSH: GOOD MORNING, YOUR HONOR, KERI BUSH ON BEHALF OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

THE COURT: ALL RIGHT.
IF EACH OF YOU WANT TO BE HEARD AFTER I TELL
YOU WHAT MY THOUGHTS ARE, THEN I WILL HEAR FROM YOU.
MY INTENTION WOULD BE TO DENY THE MOTION.
FROM THE DOCUMENTS THERE IS NO THREATENED IRREPARABLE
HARM. AND THE GOVERNMENT CODE SECTION THAT REQUIRES A
COMPLAINANT INCLUDE A SWORN STATEMENT UNDER PENALTY OF
PERJURY HAS BEEN UPHELD BY THE COURT IN CAMPBELL VERSUS
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA. AND THAT IS
35 CAL. 4TH, 311. IT IS A 2005 CASE.
THE RECOMMENDED FORM PROVIDED BY THE

UNIVERSITY NEED NOT BE USED BY A COMPLAINANT. AND IF IT
IS USED, CONTAINS NO PROHIBITION ON FIRST AMENDED RIGHTS,
RATHER, SIMPLY INFORMS THAT DISCRETION IS EXPECTED.
THOSE ARE MY THOUGHTS AND REASONS TO DENY
THAT.
MS. JONES, YOU WANT TO BE HEARD?
MS. JONES: YES, YOUR HONOR.

10

THE COURT: GO AHEAD.
MS. JONES: AS I RECALL THE CAMPBELL CASE THAT WAS
NOT DISCUSSED AT THE TRIAL COURT LEVEL.

AND ONE OF REASONS THAT WAS NOT APPROACHED
OR WHATEVER IS BECAUSE THEY SAID THEY DID NOT BRING THAT
ISSUE UP AT THE TRIAL COURT LEVEL.
AND WHEN YOU GO TO
THE APPELLATE LEVEL YOU CAN'T DISCUSS SOMETHING AT THE
APPELLATE LEVEL THAT WAS NOT LOOKED AT THE TRIAL COURT
LEVEL.
BECAUSE I WAS STILL RECEIVING RETALIATION
FROM THE DEFENDANT --
THE COURT: SLOW DOWN, MA'AM. I SEE YOU ARE
READING. I WANT TO MAKE SURE THE REPORTER IS ABLE TO GET
IT DOWN. GO AHEAD.
MS. JONES:

I SENT ANOTHER LETTER TO THE
16 CHANCELLOR WITH ANOTHER SWORN AND SIGNED STATEMENT BY ME
17 JUST RECENTLY AS JULY, 2006. AGAIN, MR. CORMIER --
18 THE COURT: WOULD YOU SPELL THAT, PLEASE.
19 MS. JONES: C-O-R-M-I-E-R -- WROTE BACK THAT THE
20 FORM WAS REQUIRED IF I WANTED TO FILE A WHISTLEBLOWER
21 RETALIATION COMPLAINT.
22 THIS LETTER IS ATTACHED JUST BEHIND MY
23 RESPONSE TO DEFENDANT. IT IS AT THE VERY BOTTOM
24 PARAGRAPH ON THE FIRST PAGE.
25 MR. CORMIER AGAIN PUT IN WRITING THIS FORM

IS REQUIRED. SIGNING THIS FORM DELETES AND CENSORS THE WHISTLEBLOWER AND DELETES THE MEANING AND REASON FOR THE WHISTLEBLOWER LAW.

11

WHISTLEBLOWING IS PUBLIC SPEECH. THE PUBLIC HAS A RIGHT TO KNOW. IT IS THE PUBLIC'S RIGHT TO KNOW THAT PROTECTS PEOPLE WHO FILE LAWSUITS, ESPECIALLY LAWSUITS THAT REVEAL AN INSTITUTION IS DOING SOMETHING WRONG. SPEECH IS A RIGHT PROTECTED BY THE GOVERNMENT.

THANK YOU.

THE COURT: MS. BUSH, YOU WANT TO BE HEARD?

MS. BUSH: UNLESS THE COURT IS INCLINED TO CHANGE ITS TENTATIVE, THAT IS NOT NECESSARY.

THE COURT: NO, I AM NOT.

AND I WILL HAVE YOU, MS. BUSH, GIVE NOTICE.

MS. BUSH: I WILL GIVE NOTICE, YOUR HONOR.

THE COURT: THANK YOU. THANK YOU, MS. JONES.

MS. JONES: THANK YOU.

(WHEREUPON, THE MATTER WAS ADJOURNED.)

APPENDIX I

MARY JONES

P.O. Box 596

Beverly Hills, CA 90213

Telephone: (310) 927-4355

Plaintiff Pro Per.

MARY JONES

Filed Oct 25, 2006

Superior Court Los Angeles

SUPERIOR COURT OF THE. STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

MARY JONES,

Plaintiff

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA. an entity, form unknown, an entity form unknown and DOES I through 100, inclusive.

Defendants.

CASE NO. BC344988

Assigned to Judge Edward A. Ferns Department 69

Complaint Filed: December 22, 2005

NOTICE OF MOTION, PLAINTIFF'S MOTION FOR INJUNCTION AGAINST DEFENDENT THE REGENTS OF THE UNIVERSITY OF CALIFORNIA. EXHIBITS INCLUDING U.S. AND CALIFORNIA CONSTITUTION, ORDER FOR INJUNCTION, CEASE AND DESIST

DATE: December 6, 2006

TIME: 8:30 AM

DEPT: 69

DISCOVERY CUTOFF: NONE

MOTION CUTOFF: NONE

TRIAL DATE NONE

MOTION FOR INJUNCTION

This is notice TO THE DEFENDANT, THE UNIVERSITY OF CALIFORNIA; Plaintiff has filed motion in the court to order injunction relief.

PLAINTIFF'S MOTION FOR INJUNCTION AGAINST DEFENDANT to immediately cease and desist their coercion and illegal requirement of employees to waive their constitutional rights before defendant will investigate and comply with the California Whistleblower Law.

History: Plaintiff wrote a letter to the Defendant, the University of California President, Robert Dynes. In this letter were numerous violations of federal and state law and information of continuing harm to patients and employees. This letter not only included unsafe and illegal acts of Defendant but pages of

illegal retaliation against Plaintiff for her engaging in protected activities. Mr. Robert Dynes said he was unable to help Plaintiff as it was under the individual Chancellor. Even though these were substantial allegations of illegal and unsafe practices continuing at UCLA, Mr. Robert Dynes wrote he could not help. Plaintiff received on two different occasions a letter from the University Designated Officer for Whistleblower Retaliation Complaints, Mr. William Cormier. In both of these letters to Plaintiff, Mr. Cormier instructed Plaintiff "if" she wanted to file a whistleblower retaliation complaint she would need to complete and sign the enclosed UCLA whistleblower complaint form. On both of these occasions Plaintiff immediately halted upon reading the confidentiality statement and the confidentiality agreement entwined insidiously amongst the statute required oath. Plaintiff and other employees are required to sign this under penalty of perjury. Plaintiff received two different

copies of this form. Both have the same waiving of employee's federal and state constitutional rights under penalty of perjury. (Exhibits A and B attached)

Defendant asserts that Plaintiff must "file" with this officer. The reason they say this is "to file" by the Regents Policy and Procedure, includes an employee like Plaintiff "waiving" their first amendment rights of the United States Constitution. Plaintiff was in the act of following these whistleblower retaliation laws. Plaintiff received a letter from the Regent designated officer, William Cormier, for Whistleblowing Retaliation as described in the laws. This letter instructed Plaintiff **"if"** she wanted to file a whistleblower retaliation complaint with the University of California she must complete and sign the attached form. Upon reading this form Plaintiff knew she would never sign such a form as a requirement before The University of California would follow the law. The form very cleverly, coercively and fraudulently has the required oath per

statute (Gov. Code Section 8547) with the waiving of the employee's United States and California State Constitution right of free speech, cleverly interwoven amongst the oath. It is illegal to require anyone to give up their constitutional rights, **before or as a requirement** to seek protection under the law. Plaintiff is appalled to see such archaic coercion and oppression occurring in the United States of America. Again, there is the continued theme of why the Regents seek to discriminate in race and national origin. The Regents Whistleblower Retaliation form states: "I agree to cooperate in any investigation of this matter and declare that I have read, understand, and will **comply with the confidentiality requirements stated above**". (see Exhibits "A" and "B:") This is required for the employee to sign under penalty of perjury under the laws of the State of California. The referred to Confidentially requirement states: "Until a decision in the matter is reached or the complaint is dismissed or otherwise

resolved, **persons who are parties to the complaint are expected to treat the matter as confidential** so as not to compromise any investigation and to respect the rights of the parties." This violates Plaintiff's First Amendment Rights of Free Speech under the United States Constitution "Congress shall make no law abridging the freedom of speech, or of the press" and under The California Constitution Article I Section 2(a) "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press". (Exhibits C and D).

Defendant violated the highest law in the land. At the point of reading this Plaintiff was within her rights and obligated to seek her remedies in the Courts. Plaintiff had exhausted her administrative remedies up to coercion and fraud by the Policy and Procedure of the Regents. The Subject of Controversy now clearly was outside the Regents jurisdiction.

When she got to the point of illegal policy and procedure, the Court was her only option. Regents are in violation of Labor Code 1102.5 as well as the Constitution. It is respectfully requested the Court grant this motion ordering an injunction against Defendant to immediately cease and desist coercing or requiring employees to waive their state and federal constitutional rights of free speech as a requirement for seeking remedy from Labor Code 1102.5 and the California Whistleblower Act, Government Code Section 8547.

Plaintiff prays the court will order Defendant to cease and desist the "implied" or coercion of confidentiality against any employee seeking refuge and protection under Labor Code Section 1102.5 and California Whistleblower Act. It is in direct violation of the United States highest law of the land. It is in direct violation of the highest law of the State of California.

October 25, 2006

By : /s/ Mary Jones

Mary Jones, In Pro Per

Verification of Documents

I, Mary Jones, do verify the following documents. I am the Plaintiff in this case and have personal knowledge of each of these documents and could and would completely testify of them.

1. UCLA Whistleblower Retaliation Complaint Form pages 1 and 2, as exhibit "A".
2. UCLA Whistleblower Retaliation Complaint Form (revised July 2005) pages 1 and 2, as exhibit "B".
3. The Constitution of the State of California, Article I, section 2, as exhibit "C".
4. The Constitution of the United States Amendment I, as exhibit "D".

October 25, 2006

By: /s/ Mary Jones

Mary Jones, in pro per

Exhibit A

Related Actions (other proceedings in which the above retaliatory actions were considered)

Type of Proceedings/Case Number:	Date Initiated:	UC administrator coordinating the matter:
State the outcome or current status of the proceeding:		

Declaration

Pursuant to the California Government Code section 8547.10, I swear under penalty of perjury under the laws of the State of California that the facts set forth in the statement of the complaint, above, and in any supporting information submitted with the complaint, are true and correct to the best of my

knowledge and belief. I declare that I have read, understand, and will comply with the confidentiality requirements of the Whistleblower Retaliation Complaint Confidentiality Statement. If I have designated above a person to represent me in this matter, I understand that all notices to and communications with the named representative will be treated as if such notices and communications had been made to me.

_____ _____

Complainant's Signature Date

Whistleblower Retaliation Complaint Confidentiality Statement

A Whistleblower Retaliation Complaint is dealt with by the University as a confidential matter. The complaint and any information derived as a result of an investigation of the complaint will be disclosed only to persons with a legitimate need to know in

order to resolve the complaint or to assist in an investigation of the matter, or in other circumstances where the University is required by law to release the information.

The complaint itself and other information submitted by the complainant in support of the complaint will be made available to the person accused of the retaliation. Other information that may be derived from an investigation of the matter may, at the discretion of the investigator, be revealed to other persons, including a party to the complaint, in order to ascertain the truth of matters asserted or to otherwise further the investigation. Before the investigator reports the results of an investigation, the person accused of the retaliation shall be given a reasonable opportunity to review and provide a response to any information upon which the investigator intends to rely in reaching findings or conclusions adverse to such person.

Until a decision in this matter is reached or the complaint is dismissed or otherwise resolved, persons who are parties to the complaint are expected to treat the matter as confidential so as not to compromise any investigation and to respect the rights of the parties. All University employees are required to cooperate as requested in the investigation of Whistleblower Retaliation Complaints. The unwillingness or inability of a party to a complaint to cooperate in an investigation may warrant findings adverse to that party.

Submitting a Complaint

An employee or applicant for employment who believes he/she has been retaliated against in violation of the Whistleblower Policy can complete the Whistleblower Retaliation Complaint Form and submit the form marked "Confidential" to the following address:

Retaliation Complaint Officer

UCLA Office of the Administrative Vice Chancellor

2255 Murphy Hall

Los Angeles, CA 90095-1405

CAMPUS MAILCODE: 140501

(exhibit A page 2 of 2) APP 620.1-B

UCLA

Whistleblower Retaliation Complaint Form

See UCLA Procedure 620.1 Reporting Whistleblower Complaints and the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy), located on the Administrative Policies and Procedures Manual (APPM) Web site at www.adminvc.ucla.edu/appm/.

Complainant

Name:	Job Title/Classification:
Phone:	Department:
E-Mail:	Mailing Address:

Complainant's Designated Representative (optional)

Name:	Job Title/Classification:
Phone:	Department of Affiliation:
E-Mail:	Mailing Address:

Respondent(s) (person or persons alleged to have retaliated against Complainant)

Name(s):	Dept(s):	Relationship(s) to Complainant:

Protected Activity (engaged in by Complainant alleged to be the basis for retaliation)

Describe (date/time, place, and manner) or attach supporting statement:

Alleged Retaliation (engaged in by Respondent or Respondents)

Describe (date/time, place, and manner), including identities of any witnesses, or attach supporting statement:

Exhibit B

UCLA

WHISTLEBLOWER RETALIATION COMPLAINT FORM

This form is intended for us by an individual who believes he/she has been retaliated against in his/her role as a UCLA employee applicant for UCLA employment, in violation of the University of California's Whistleblower Protection Policy. The completed form and any supporting documentation should be submitted in an envelope marked "Confidential" to the following location: Locally Designated Official, UCLA Administrative Policies & Compliance, 2255 Murphy Hall, 405 Hillgard Avenue, Los Angeles, CA 90095-1405; Mail Code 140501.

The UC Whistleblower Protection Policy is available at http://ucwhistleblower.ucop.edu. Additional guidance is contained in UCLA Procedure 620.1, Reporting Whistleblower Complaints, located on the

Administrative Policies and Procedure Manual (APPM) Web Site at http://www.adminvc.ucla.edu/appm/.

Complainant (person alleging retaliation against himself/herself)

Name:	Job Title/Classification at the time retaliation is alleged to have occurred:

Respondent(s) (person or persons alleged to have retaliated against Complainant)

Name(s):	Dept(s):	Relationship(s) to Complainant:

Protected Activity (engaged in by Complainant and alleged to be the basis for retaliation)

Briefly state what protected activity the complainant engaged in and when the activity occurred. You may also want submit supporting documentation with the complaint form.

Alleged Retaliation (engaged in by Respondent or Respondents)

Briefly state what adverse employment action(s) was initiated against the complainant (for example termination, demotion) and when the adverse employment action(s) occurred. You may also submit supporting documentation with the complaint form.

Related Action (other proceedings/grievances where above retaliatory actions were or are being considered)

Type of Proceeding/Case Number:	Date Initiated:	Administrator coordinating the matter:
State the outcome or current status of the proceeding(s):		

Rev. July 2005 Page 1 of 2 App 620.1-B

Complainant Contact Information

Phone:	Department:
E-mail:	Mailing Address:

Complainant's Designated Representative (Optional)

Name:	Job Title/Classification:
Phone:	Department or Affiliation:
E-mail:	Mailing Address:

Confidentiality Statement

A Whistleblower Retaliation Complaint is dealt with by the University as a confidential matter. The complaint and *any* information derived as a result of an investigation of the complaint will be disclosed

only to persons with a legitimate need to know in order to resolve the complaint or to assist in an investigation of the matter, or in other circumstances where the University is required by law to release the information.

The complaint itself and other information submitted by the complainant in support of the complaint will be made available to the person accused of the retaliation. Other information that may be derived from an investigation of the matter may, at the discretion of the Investigator, be revealed to other persons, including a party to the complaint, in order to ascertain the truth of matters asserted or to otherwise further the investigation. Before the investigator reports the results of an investigation, the person accused of the retaliation shall be given a reasonable opportunity to review and provide a response to any Information upon which the investigator intends to rely in reaching findings or conclusions adverse to such person.

Until a decision in the matter is reached or the complaint is dismissed or otherwise resolved, persons who are parties to the complaint are expected to treat the matter as confidential so as not to compromise any investigation and to respect the rights of the parties. All University employees are required to cooperate as requested in the investigation of Whistleblower Retaliation Complaints. The unwillingness or inability of a party to a complaint to cooperate in an investigation may warrant findings adverse to that party.

Declaration (required per the California Whistleblower Protection Act)

I swear under penalty of perjury under the laws of the State of California that the facts set forth in the statement of the complaint, and in any supporting information submitted with the complaint, are true and correct to the best of my knowledge and belief. I agree to cooperate in any investigation of this matter

and declare that I have read, understand, and will comply with the confidentiality requirements stated above. If I have designated a person above to represent me in this matter, I understand that all notices to and communications with the named representative will be treated as if such notices and communications had been made to me.

_____ _____

Complainant's Signature Date

_____ _____

County Where Signed U.S. State Where Signed

Exhibit C

CONSTITUTION OF THE STATE OF CALIFORNIA AS AMENDED AND IN FORCE NOVEMBER 2, 2004

PREAMBLE

We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

SECTION 1. *[Repealed November 5, 1974. See Section 1, below.]*

[Inalienable Rights]

SECTION I. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and

pursuing and obtaining safety, happiness, and privacy. *[New section adopted November 5, 1974.]*

[Liberty of Speech and of the Press—Newspersons' Refusal to Disclose Information Sources Not Adjudged in Contempt]

SEC. 2. *(a)* Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

(b) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, shall not be adjudged in contempt by a judicial, legislative or administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a

newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

Adopted by the people on May 7. 1879. Certain spelling and capitalization variances reflect State Printer's style in effect at time of adoption of amendments.

Exhibit D

CONSTITUTION OF THE UNITED STATES

Amendments

AMENDMENT I

Restrictions on Powers of Congress

[SECTION 1 *.] Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Proposed September 25, 1789; ratified December 15, 1791.

AMENDMENT II

Right to Bear Arms

[SECTION I.] A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Proposed September 25, 1789; ratified December 15, 1791.

AMENDMENT III

Billeting of Soldiers

[SECTION 1.] No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Proposed September 25, 1789; ratified December 15, 1791.

AMENDMENT IV

Seizures, Searches and Warrants

[SECTION 1.] The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Proposed September 25, 1789; ratified December 15, 1791.

•Words in brackets added.

MARY JONES

P.O. Box 596

Beverly Hills, CA 90213

Telephone: (310) 927-4355

Original filed

/stamp/ By A. Caballero

Dec 04 2006

Los Angeles Superior Court

Plaintiff Pro Per.

MARY JONES

SUPERIOR COURT OF THE. STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

MARY JONES,

Plaintiff

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA. an entity, form unknown, an entity form unknown and DOES I through 100, inclusive.

Defendants.

CASE NO. BC344988

Assigned to Judge Edward A. Ferns

Department 69

Complaint Filed: December 22, 2005

PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR INJUNCTION ; JUDCIAL REVIEW; DECLARATION OF MARY JONES; POINTS AND AUTHORITIES, EXHIBITS.

DATE: December 6, 2006

TIME: 8:30 AM

DEPT: 69

DISCOVERY CUTOFF: NONE

MOTION CUTOFF: NONE

TRIAL DATE: NONE

Plaintiff's Response to Defendant's Opposition

Request for Judicial Notice

Pursuant to the provisions of California Code Section 452, Plaintiff request the Court to take judicial notice of the following:

1. The United States Constitution, Amendment I, Restrictions on Powers of Congress
2. The California Constitution, Article I, Section 2(a)
3. California Health and Safety Code, Section 1278.5
4. UCLA Whistleblower Retaliation Complaint Form page 2

DATED: December 1, 2006

By: /s/ Mary Jones

Mary Jones, in pro per

DECLARATION OF MARY JONES

I, Mary Jones, declare as I am the Plaintiff in this case and the matters set forth herein are of my own personal knowledge and I could and would competently testify thereto.

1. Letter to UCLA Chancellor Abrams dated July 26, 2006, reporting of continued whistleblowing retaliation with continued harm. The ending contained the statute required oath under penalty of perjury under California law signed by Ms. Jones.

2. The letter dated August 14, 2006, to Mary Jones from William H. Cormier stating that only the UCLA required form sign by her was acceptable if she wished to file.

I declare under penalty of perjury the above is true and correct. Executed this day of December 1, 2006, at Encino, California.

/s/ Mary Jones

Mary Jones

Defendant is completely disingenuous to say this "form" is "optional". Defendant deliberately places the oath with the voluntary surrender of U.S. Constitutional rights of free speech. This is done with a malicious intent as whistleblowers in their effort to get remedy and relief from all the emotional duress from the retaliation, will sign the oath. Defendant purposefully, and with fraudulent intentions, put these together to trick an employee into signing the document. Now in this opposition to the motion Defendant's statement this is optional is just pre-text for circumventing a possible pending injunction. The form was so cleverly worded to trick the employee into signing; the employee most likely will not even understand what he/she was surrendering. There were no disclaimers as to this form being optional. There were no notices that required an employee to seek counsel before signing. It is illegal. Protection and application for remedy under the law are not "conditioned" before being

allowed to seek protection. Most employees of Defendant are not attorneys. Plaintiff was informed in writing on at least two occasions by Mr. Cormier that "if" she wished to file under this law, she must sign and complete this form. These two letters are history. Defendant cannot re-write policy at this late date. Mr. Cormier was given this high responsibility by the Defendant Regents and Plaintiff was told he was the person in charge of this filing for the University. It is past and now history. This unconstitutional policy of Defendant and instruction directly from Mr. William Cormier is what gives Plaintiff the right to terminate her efforts in this area as the only jurisdiction now was Judicial.

Defendant was using deception and coercion to require Plaintiff to surrender her constitutional rights to free speech. It is reasonable for employees to believe The Whistleblower Retaliation Designated Officer was being honest and straightforward in

providing protection. Defendant was using intimidation and trickery on Plaintiff to require her to sign her signature under penalty of perjury under California Law in exchange for allowing her to seek remedy for harm under the California Whistleblower Act. Laws are not "conditioned" to be bought and bartered by Employers to meet their demands. The form called for a surrender of unknown future speech to unknown individuals for an unknown time period. Censoring an employee is not part of the California Whistleblower Act. It is just the OPPOSITE. Requiring an employee to surrender their rights before they can seek remedy is illegal. In addition it is a violation of Plaintiff's Constitutional Rights as well a violation of the California Whistleblower Law and Labor Code 1102. No matter how much Defendant wishes to go backwards in history, no matter how much they wish to turn back the clock, it is impossible. The only way we can go back in time is through history of looking at documents and facts of

the case. History can not be re-written, it is what it is. Plaintiff has submitted over five-hundred documents proving violations and unsafe and illegal practices of Defendant as well as pages of interrogatories. Defendant knows after all these years of deceiving the public, employees and violating laws to cover up just to make huge profits; it has finally caught up with them. Plaintiff cared enough for all the patients, self, employees, respect for the law and justice to sacrifice her career. Only through and by justice do those individuals who abuse the law and human rights come to follow and respect it.

Defendant's Policy and Procedure included the statute required oath intertwined amongst words for a whistleblower's agreement to surrender and freely give up their U.S. Constitutional Right of Free Speech. The employee was to sign and agree under penalty of perjury under the laws of California. The relinquishing of free speech was sinister in being

mixed cleverly to the sentences showing authentic required oath to purposefully trick the reader to actually believe Defendant was sincere in accommodating this whistleblower law. This was not true. This form represents the philosophy and practice that Defendant maintained at the top. This philosophy and practice filtered all down to the basement of the Medical Center at UCLA where these horrendous violations placed patients and employees in harms way. Plaintiff holds the Defendant Regents responsible for all the managers at UCLA who were only following the culture and orders from the Regents. This statement in itself shows the seriousness of this form. It shows the severe falsehood and insincerity and untruth to Defendant's opposition papers in their response to the motion for injunction. They suddenly are back peddling and saying this form is "optional" "not required" and was for the convenience of the whistleblower, etc. This is just the continued theme

of the fraudulent, deceitful and harmful practice of Regents. Plaintiff asserts this theme in the whole continuim of her lawsuit as well as this "form". The "form" is a well thought out document that reflects the philosophy of the current "Regents" who run and are responsible for this "Public Trust". It is highly in the public interest to know this information. The injunction of this form is a catalyst that will cure an illegal defect in the policy of the Regents of The University of California. This policy had the effect of a "statute" albeit an illegal one that violated the Federal and State Constitution. The Legislatures who wrote this act did not in any way intend a Whistleblower be required to sign away their rights of free speech; indeed that would invalidate this law in itself. As well, NOWHERE in this law did it even suggest this was an option or possibility. This insertion was entirely the Defendant Regents the University of California taking advantage of their position for their Policy which has the same effect as

statutes. This is a coercion and fraudulent deception by Defendant to trick the whistleblower into surrendering their rights of free speech when it appeared to the employee he/she was filling out paperwork and forms to seek remedy under the California Whistleblower Law. Instead the Defendant was using these deceptive tactics against the employee at a time they had already been under stress of retaliation. The purpose of this was to assure finality on the violations surfacing to the public and effectively shut up and censor the whistleblower for good. Then Defendant can just carry on business as usual as it will be a long time before another will try. This form in itself belies what the law means and represents. This form was just a very insidious way for the Defendant Regents the University of California to continue to circumvent the law in their monopoly having over approximately 2,500 buildings in their ten campuses not counting all the free standing clinics, etc. in

California with hundreds of employees. It was Defendants final insurance to insure that the whistleblowers whistleblowing would never reach the Public where the people would know their public trust was violating the law. The most important part of whistleblowing *is* for the word to be available to the Public. Plaintiff accuses and believes this form has been instrumental in oppressing the employees at UCLA and allowed the Regents at all their institutions to effectively silence the whistleblower at the end of their courageous and overwhelming braveness. At the end when he/she thinks the relief and remedy is finally arrived, instead it is surprise of censorship and cover-up after all the work and sacrifice. It has been Plaintiff's experience that Defendant is only interested if it is a way to increase profit. If it is about humanity, safety of employees, patients or violations of the law, there is no time or attention to be bothered. Certainly as in Plaintiff's case it was most important that the Public was made

aware of these events. These whistleblowing events included safe health care for patients as well *as safe care* for the employees. The Public had a significant stake in this information. The public has a right to know. This is the reason for Courts and lawsuits; the Public has a right and interest to know. This is why suddenly we see on the news that UCLA had been selling for profit body parts of loved ones and tasering a student because he would not stand up and news flashes of patients injured. This was not a one time occurrence but had been continuing. The chilling effect of all this form and the implications thereof serves to facilitate this type of sudden horror stories that is unknown, but has been happening for years. Such is the truth from Plaintiff. The cover-up is pervasive and extensive by the Defendant. The very safety of Plaintiff and hundreds of patients and employees is at risk and was. The intimidation by Defendant to students and employees chills the employee to not choose to get involved and file

whistleblower complaints. This form is very powerful and pivotal in the respect it silences one of the rare whistleblowers who has made untold sacrifices and endured emotional duress and stress. To silence this person is the last step for Defendant. And defendant just like the typical abuser just gets more tenacious, more careful in their technique to not get caught next time. The Court's injunction of Defendant's use of this form and coercion and intimidation in any way will go a long way in insuring Defendant will more likely be cognizant and more respectful of the laws to protect the people. Defendant monopoly has *a* record of covering up and has a sure proof final oppressive step to censor. They effectively remove the employee's rights to talk about the violations and other unknown areas of some future censored speech and the unknown as it has not happened yet. There is no definitive time period *as* when this may end as Defendant has covered that too by numerous different possibilities *as* to why there is no definite

time frame as to the end. It is trickery by the Defendant and fraudulent to coerce and intimidate employees into signing their rights away to free speech deceptively in the same small paragraph *as* the Whistleblower required oath. Plaintiff accuses and strongly believes this was done with calculated deliberation to coerce employees into signing at a time they are under unusual emotional stress and duress. No where in the California Whistleblower Law does it say employees are required to give up their Federal Constitutional Right of Free Speech "If" they wish to seek justice under it. Defendant just added this to prevent the public ever finding out about the violations. At no where in the United States is it proper and legal for any body to require a person to give up something to go forth and seek remedy under a law. The freedom we enjoy or are suppose to enjoy and embrace does not function that way. That is the antithesis of our Constitutional Rights. The laws of California allow Defendant

Regents of the University of California to have their policy and procedures be treated like statutes. It is unfortunate that Defendant does not honor and respect our Laws and Federal and State Constitution *as* they are a Higher Institution of Learning and of Law.

One does not sign a wavier that has mostly unknowns. What did the wavier cover? No one would know what the wavier would cover as no one knew what all information is in Plaintiff's brain and documents she has knowledge of or events past or who is involved. No one knows who she has already sent letters to. So how this speech would be controlled if there were others? How would Plaintiff know who she could have "speech" with for the cooperation of the investigation as there were no names listed in this wavier? There is an unknown time and information of a wavier that was to cover some unknown events to some possible unknown and undetermined time to the future. If Plaintiff had

signed this she would have been prevented from filing her claim under DFEH; for she would have been forbidden to speak. Obviously the thought and right to finally get relief for all the retaliation and harm to the employee is foremost in their mind. They erroneously think relief is at hand. In reality, they have just signed away for all their untold, courageous and rare braveness in an effort to protect patients and employees has been for naught as now ; the Defendant has very cleverly and insidiously tricked the whistleblower in censoring himself. This is a sad page in our free society and in one of the largest educational systems in our country.

Defendant listed many court cases. Plaintiff does not agree these cases directly address the motion for injunction before the Court. The cases cited by Defendant relate to "occurred" past speech. What is before the Court is about Defendant preventing Plaintiff from continuing her pursuit of filing her claim under the whistleblower Retaliation Law.

Because Defendant's Form violated Plaintiff's Right to Free Speech under the First Amendment of the U.S. Constitution she was prevented from continuation of filing her claim with Defendant. It is not legal under the law that an Administrative Agency has jurisdiction to determine US Constitutionality. Only the Judicial System has the jurisdiction to determine whether a Policy/Statute is Constitutional. Plaintiff's only choice was to seek remedy in the Courts. It was to the Courts that Plaintiff complained of Defendant's violation of Labor Code 1102. and by violating the state and federal Constitution in the requirement and policy and forms of their employees. Defendant is wanting to turn back the clock to now say the **"form"** was optional. It was not optional; this is an intentional misstatement of the facts by Defendant attorneys. There was NOWHERE on this form nor in the policy and procedure that stated any part was "optional". Indeed it was not. It is just that Defendant appears

"caught" and they wish to back peddle. There was no where on this form warning an attorney should be consulted as to the implications of this signature. It is of ill will that Defendant suggests that the form is for this convenience of the employee. It is strictly for the final silencing of a whistleblower by her signing as such under oath subject to penalty of perjury under the state laws of California. Plaintiff was informed in writing numerous times the person the Regents has designated as the officer at UCLA was Mr. William Cormier.

Plaintiff bad sent whistleblower complaint and retaliation detailed and lengthy documents to President Dynes of The University of California, member of the Board of Regents as well as to two different Chancellors. Plaintiff received on at least two different occasions letters and directions from Mr. William Cormier, about a year apart, that "if" she wished to file a complaint she had to fill out and sign the "form" and return to him. This is the form

Plaintiff is requesting injunction against. Each time Plaintiff sat down with pen in hand to complete. Each time when Plaintiff comes upon the sentence saying she was surrendering her rights of free speech of her own free will, she stopped suddenly, laid down her pen, laid down the forms. Plaintiff knew it was wrong. Plaintiff knew it was not American. Plaintiff knew she would never sign. Plaintiff knew there could never be a law in the United States that would require a person to give up constitutional rights and "condition" this law in some way before the Regents would agree to follow the law...after you agreed to their added conditions. That is why this injunction is so important. It is important because it harmed and prevented Plaintiff from filing her whistleblower retaliation complaint within Defendant's Facility. They had intentionally violated the highest law in the land in an effort to maintain the status quo of silence, censorship and cover-up of their numerous unending state and federal violations. Free Speech

and the Public Interest and the Right to know is how we monitor the Government to not oppress the people.

Plaintiff does not agree the cases cited by Defendant are directly related to violating an employee's constitutional right of free speech by requiring them to sign a form under penalty of perjury under the laws of California. Plaintiff will respond to each as it is included in the opposition papers to this motion. Plaintiff has filed for an injunction against the form and any suggested wavier of constitution protected rights of speech. For a high institution where their policies are construed as statutes but they have shown their public trust has been abused and used to harm and violate the federal and state constitution and the California Whistleblower Law and the meaning of all whistleblower laws. Defendant is guilty of fraud, oppression of their employees and intent to intimidate with malice in their wording of this form. Plaintiff knows from experience this is just

the same trickle down philosophy and practice of the Regents who hold this public trust of the people. Plaintiff was harmed by this form and those before her and those to come. Even though Defendant will most likely find a way to silence and intimidate their employees, the injunction of this form and what it represents will be an affirmation that the government can and will not defraud, coerce and silence their employees when they seek protection under current laws. This injunction will have the effect to the people that the law will be upheld and this is the freedom in the United States of America. This is why people want to come to this country and risk their lives to do so. They want to come to this country to be free of oppression and censorship by the Government and be protected under the law. Defendant the University of California has huge numbers of employees and students with other than American origin. It is important they see that the people will have justice. In the eroding away of our

freedoms it is important an affirmation to all the citizens that the process does still work and the Courts will protect the rights of people under the United States Constitution. The injunction will have the hundreds of employees of Defendant realize this is not a totalitarian government but a government by and for the People.

Response directly to Defendants opposition papers:

The Court did strike Plaintiff's claim for whistleblower retaliation claim "with the opportunity to amend". Plaintiff did amend. It is usual and normal the Court allows opportunity to amend if it can be done. Defendant appears to want to try every aspect of this case before the Court prior to trial Plaintiff could not and would not sign and agree under oath or not under oath. The truth is their policies "are the equivalent of statutes". P 2 line 7. This is what required Plaintiff by law to seek remedy in Court as only at a Judicial Level can this be adjudicated. So Plaintiff did exhaust her

administrative remedies as far as possible. When the exhaustion itself is a violation of the law and constitution, then the only available place with the jurisdiction is in the Courts at the Judicial Level for Constitutional Issues. However, because the Defendant has continued to retaliate against Plaintiff and the harm from the retaliation is on-going and totaling up the amount of harm, Plaintiff sent another notice to the UCLA Chancellor. In this she had her own oath typed up which she signed and dated. It of course did not contain the clause to surrender her rights to speech. This was received by the Chancellor. And **"AGAIN"** as late as August 2006, Plaintiff received another letter to her from the Defendant's designated whistleblower retaliation complaint officer, Mr. William Cormier where he again told her **"if'** she wished to file a retaliation complaint with the University she must sign and fill out this same" form" he kindly included with the letter. See Exhibit A. Never in any correspondence

was it ever noticed or mentioned that this "form" was optional. Just the opposite. That is because it was NOT optional and Defendant attorney has just misstated the *facts after* the history had occurred without first hand knowledge. Indeed, the instructions were **"if"** she wished to file she would sign the form. This again, was intended with malice and planning by the Defendant to defraud and trick the "lay" employee who is not usually an attorney. In fact a good majority of the employees and students of Defendants are not born in the United States as well they may not understand verbal and written English well. Plaintiff knows from the clear words as well as from her first hand knowledge of the practice of Defendant overall this is their intentional intent to deceive their employees and students. Plaintiff asserts and has passion for this motion as the Government and the Defendant Regents the University of California *is* to serve for and at the pleasure of the People and the Defendant has abused

this privilege. An injunction against this form and intimidation of their future policy and forms will be an affirmation of justice for the people.

Again Plaintiff failed to include a "statement sworn under penalty of perjury" because the statement provided to her by Defendant in the form under discussion of this motion was ILLEGAL. In return for surrendering free speech, Defendant would allow her to file her retaliation whistleblower claim which was fraud as the surrendering of her speech would have the effect of silencing and censoring this person so the Defendant employer could continue to cover-up. This was speech of some unknown future time, speech unknown as to the content, speech unknown as to who it entailed as that would preclude as far as continued cooperation with the investigation as employee could no longer speak and write about such, it was of the future and most importantly, it was not a part of the Whistleblower law. But because it was the Defendant Regents The University of

California, it was the same as statutes so therefore, it may only be addressed in the Courts. We can not go back in time. This has already occurred. There is no recourse to go back and re-write history. Plaintiff believes the Court will order the narrow specific injunction against the Defendant as it is easily very specifically the right thing to do under the law. Defendant cites Palmer *v.* Regents of the University of California (2003) 107 Cal.App.4th 908,909.) as person may make a civil action only if that person has complied with the requirements including a sworn statement under penalty of perjury. Plaintiff is very aware and fully understands this law. Plaintiff thinks it is a big misunderstanding of the legislature as they did not believe that The University of California had ill will and bad faith toward the people or they would not have written it as such. However, Plaintiff fully understands the law is the law. But, in this case, in the case of Plaintiff the only option and choice she had was to go straight

into the courts for Judicial Adjudication of Constitutionality. The Defendants Policies and Procedures were fraudulent, intended to deceive and trick Plaintiff into volunteering to surrender her Constitutional Rights of Free Speech. This was done with malice of Defendant and has been very successful at not only silencing the whistleblower and chilling those potential whistleblowers but circumventing having to provide remedy and punishment for their violations as well as not ensuring the Public Trust. The Defendant Regents have violated the Public Trust in their not practicing the administration for the people but for their selves and for deceiving the people in the safe and proper services they render and are responsible for. This insidious form is an example they have gotten away with for years. There is more to the Public Trust than just their financial accounting of making profits and winning countless lawsuits with their endless attorneys. What they have not protected and been

accountable for is the "Public Trust" of countless individual lives. There is nothing more precious than a life or the life of a loved one in the hospital. There is nothing more precious than the life and fresh mind of a young student. Defendant has not protected this and has shown a practice and pattern of negligence and indifference to the pain and suffering of patients and employees as by products of their ignoring and non-interest in intervening and caring of these violations. It is shown in Defendant Regents practice and philosophy trickled down into the basement of the UCLA medical center where hundreds upon hundreds of patients are at risk and have placed their trust in their professionalism as a humane facility to provide safe medical care. Just like the trust of an employee whistleblower following the procedure and policy never realizing they were being defrauded and tricked by their Employer to silence the Whistleblower and circumvent all accountability for their abuses, violations and continued cover-ups.

This insidious form is an outward show of the practice and intentions of the Defendant Regents the University of California. Plaintiff filed well over a hundred of on-line incident reports for more than a year. These reports went immediately via computer directly to her supervisors as well as the UCLA Risk Management Attorney. Of course the first thing they would like to do is take away Plaintiff's rights of future speech. Not only should the motion for injunction be sustained, they should be punished for causing harm to hundreds of people including Plaintiff. Plaintiff's claim will not be barred as the Defendant was illegally tricking the whistleblower to give up something in return for seeking remedy under the law. Defendant was trying to hide and trick employees to sign because they were anxious to receive protection under the law failing to even realize they had surrendered their rights to any future speech and communication to the unknown future.

Defendant claims that different words mean different things. The person who this form is intended is the whistleblower seeking protection under the law. This person is rarely an attorney and is usually a "lay" person meaning they are not a lawyer or judge. They will only be able to understand the words on this form at its face value of what the words normally mean in every day life. That is the context. As well Defendant should take into consideration the many of their employees and students who do not speak or understand the English language well. As well, the form at no place mentions the word "option" or a warning the whistleblower should seek counsel prior to signing away their constitution rights of speech. Defendant is just trying to apply a band-aid to a cancer that has been covered up for many years. The word "expected" is not the problem. The signing away the rights to future vague open-ended speech by a signature under oath of penalty of perjury under the laws of California is the

violation insidiously placed with the statute required oath. This is pre-meditated by Defendant to trick and defraud the whistleblower. An injunction to cease and desist is the only recourse under the law. Defendant clearly knows the word "permissive" is not equivalent to a signature signed under oath of penalty of perjury under the laws of California and is a indicator of Defendants ill-will and bad faith in their opposition papers. P.4,1ine 3.

Plaintiff does not agree she is a public employee. Plaintiff was never informed she was a public employee. Plaintiff or any of the other employees at the medical center do not received benefits as a "public" employee. However, Plaintiff writes the speech of Plaintiff is Public and not protected. An important notice here is the "speech" Defendant refers to has not as yet occurred. Defendant was attempting to coerce Plaintiff into freely surrendering her free speech of some "future" speech at some unknown future time. Again, it is illegal for

anyone to write, or makes forms, where they must "give up" their constitutional rights or anything *as a* requirement for seeking justice under a law. Plaintiff is a whistleblower for an overwhelming amount of safety patient and employee violations in addition to other violations of federal and state of a more organizational behavior type. Plaintiff is a nurse. As such, she is obligated to report unsafe violations to others. It is unsure if whistleblowers can talk to Mr. Cormier after signing this form or indeed this form wavier means they can not speak with anyone. However the issue for this narrow specific motion is only that Defendant is violating the law by blackmailing, coercing, and fraudulently causing whistleblowers to sign away their constitutional rights. The injunction is narrowly and specifically that legislatures and agencies and Defendant can not legally put conditions for the whistleblower to complete "prior" to their being allowed to seek remedy under an existing law, as in this case, the

California Whistleblower Law. To go further into Public vs. Private is not necessary for this narrow motion.

In Connick v. Myers (1983)461 U.S. 138-139, p. 4.line 17-23, case is filed with Defendants opposition papers, it addresses the issue of free speech. But, this is not a case related to Plaintiff. Plaintiff was not terminated for exercising her right of speech. Defendant Regents as part of their practice attempted to coerce Plaintiff into signing a surrender of future speech under oath as a condition or on the coattail of signing the known statute required oath. All these cases are not relevant to the motion. It is about Defendant's policy/statute being illegal. It is about it being malicious. It is about insuring final cover-up of what someone had had the courage to sacrifice their career and life to get justice and safe care for patients and employees. It is about the continued cover-up of violations of federal and state

organizational behavior and procedure. Any future speech Plaintiff would have on these subjects would certainly profoundly have the Public Interest as well as it involves their public trust and they have a right to know. Further, they would want to know. Plaintiff asserts she is a United States Citizen and no one has the right to take away her Constitutional Rights. Plaintiff has an obligation to the patients under her care and those under her observation and attention.

In Defendant oppositions they wrongly and with ill will continue the "practice" of bad faith saying there would be "no consequence" for the failure of the whistleblower to treat the complaint as confidential. That is false and misstates intentionally what the signature under penalty of perjury says. As well this is the same false leadership of the Employer, an Employer so high up so trusted, their policies are like statutes, to deceive and trick by this form, by patient and employees and students who have faith in their

professionalism of a "University" and that our Government will protect from these violations. Defendant states a right is not clear. It is succinctly clear, never more so in the writings of our founding fathers in the United States Constitution, First Amendment. Injuries have occurred and numerous people have been harmed and died. It is and has been for years a continuous harm for Defendant to subvert the peoples rights under the United States Constitution. Plaintiff is seeking more than a form. Plaintiff is seeking an injunction against a "form" that represents the oppression, intimidation, emotional duress, coercion, in tricking and insidiously wording this form to delete all effects, hard work and sacrifice of legislatures and whistleblowers all over who have courage to brave the opposition. Countless patients will be harmed; students will be abused and treated as expendable if this injunction is not issued.

Defendant is correct in that there is nothing in the

California Whistleblower Law and Labor Code 1102. about surrendering rights to free speech. Thank you Defendant. This is why this is in Court. Because it is true there is nothing in these laws that says this. However, as you have reminded us in your papers and in case after case as well as in your Judicial Notice before the Court, the policies and procedures of Defendant are treated like statutes. Defendant's "statute" in the way of this form is illegal with the only recourse to go straight to the Judicial Level. There is no other jurisdiction for the determining of whether a statute is Constitutional. Of course Defendant did not out of the goodness of their hearts provide this form for "convenience". If that were so it would not have included the "required" oath on an "optional" form. They linked the two insidiously to trick the employee. This type of behavior is common practice by UCLA and is an abomination to the state and country.

What a totally and ridiculously disingenuously

comment by Defendant that an injunction against the "form" would make it harder for complainants seeking protection under the whistleblower law. That is ludicrous. It would only make it harder if all the Defendant's made it so. However, we can only support what is there today. The other has to come in grass roots and legislation and the People. The form is wrong and illegal. It must go. Patient care and safety and safety for employees will receive a big increase in the quality of care. There will be more attention and respect given to state and federal laws protecting patients and employees. When there is cover-up from beginning to end with no chance of a monopoly being held accountable the law and people's safety and care are denied. When there is litigation and enforcement of the laws, we all benefit from the good it reaps.

DATED: December 1, 2006

Respectfully Submitted,

Mary Jones in pro per

By: /s/Mary Jones

Exhibit A

UNIVERSITY OF CALIFORNIA, LOS ANGELES

UCLA

BERKELEY · DAVIS · IRVINE · LOS ANGELES · MERCED · RIVERSIDE · SAN DIEGO · SAN FRANCISCO · SANTA BARBARA · SANTA CRUZ

ADMINISTRATIVE POLICIES & COMPLIANCE

BOX 951405

LOS ANGELES, CA 90095-1405

August 14, 2006

PERSONAL & CONFIDENTIAL

Mary Jones, R.N.

P.O. Box 596

Beverly Hills, CA 90213

Re: Your Letter to Acting Chancellor Abrams, dated July 26, 2006

Dear Ms. Jones:

This will serve to respond to your July 26, 2006 letter to Acting Chancellor Abrams alleging that UCLA has continued to retaliate against you for reporting "unsafe underground surgery" and demanding compensation. Your letter was referred to me as the Locally Designated Official for coordinating complaints filed under the University's Whistleblower Policies. The purpose of this reply is to again advise you of the process to be followed for the filing of a retaliation complaint in accordance with the applicable policies and procedures. Questions you may have concerning workplace-related injuries, worker's compensation insurance benefits, or medical insurance coverage that you describe, should be directed to Healthcare Human Resources or Insurance & Risk Management.

In my letter to you of February 9, 2005, responding to allegations you made in letters to President Dynes in December 2004 and Chancellor Carnesale in

February 2005, I advised you of the process for filing a retaliation complaint and enclosed a copy of the UCLA Whistleblower Retaliation Complaint form that is to be completed by those wishing to submit a separate retaliation complaint under the applicable University Whistleblower Protection Policy and the UCLA campus procedure. I also pointed out in that letter that University Policy requires that such a complaint be filed within twelve months of the alleged retaliation. You did not submit such a complaint on the required form or otherwise respond to my letter. In my letter to you February 28, 2006, I confirmed we had not received a retaliation complaint from you and that we considered the retaliation complaint matter closed.

However, you may still file a retaliation complaint with this office provided you do so in accordance with the applicable procedures, including completing and signing a copy of the required retaliation complaint form. In accordance with the applicable policy and as

explained in my earlier letter, the evaluation of such complaints is limited to a consideration of acts of retaliation alleged to have occurred within the last twelve months prior to when a complaint is received. I have enclosed a copy of the applicable UCLA Procedure 620.1 (the complaint form appears as Attachment B) and the University's Whistleblower Protection Policy.

If you do choose to file a retaliation complaint, please note that you must specify what you reported, to whom it was reported, when it was reported, what adverse employment action or actions you experienced, when each occurred, and who you believe was responsible for such actions. In particular, with reference to the claims made in your July 26th letter, you need to clarify whether your complaint is concerned with continuing retaliation by your supervisor or supervisors and, if so, what actions alleged to be retaliatory each has taken. If you are alleging that the discontinuation of your

medical insurance, the withholding of care, or other workers compensation treatment problems constitute retaliatory actions, in order for your complaint to be successful it will need to be established that there was a causal connection between any reports you may have made and any retaliation you may have experienced.

Regarding the twelve-month limitation on allegations of retaliation, we are willing to grant an extension for filing a complaint regarding any retaliation you allege occurred on or after July 26, 2005 (twelve months before the date of your letter to Acting Chancellor Abrams), provided that we receive a formal complaint from you on the proper form by September 15, 2006. If we do not receive such a complaint by September 15, 2006, then the twelve-moth limitation would be based on the date the complaint is received.

Finally, since you have not exhausted available dispute resolution remedies there is no basis at this time for the University to discuss a settlement of your claim for monetary damages.

Sincerely,

/S/William H. Cormier

William H. Cormier

Director

(Locally Designated Official)

Enclosures

Cc (w/o enc.): Acting Chancellor Norm Abrams

Employee/Labor Relations Director Maure Gardner

July 26, 2006

Dear Acting Chancellor Abrams:

Box 951405

Los Angeles, CA 90095-1405

I am making a settlement offer to UCLA/Regents to compensate for the harm from my whistle blowing under Labor Code 1102.5 and Government Code section 8547.10. This offer is rood only until August 15. 2006. My immediate remedy is five hundred thousand dollars lump sum in certified check to me for all the harm and emotional as well as physical injury I have endured. In return, I will not talk about any events of whistle blowing or settlement in the future. I will be satisfied retribution will be complete and I will never both UCLA again. I am so passionate about this harm UCLA has done to me and others! If UCLA does not agree to my offer then after all this time I have been in pain and suffering with my finances and physical, mental health ruined *as a* direct result, then after waiting all this time I

will have no other alternative but call a national press conference with a national television news channel and interview to top show on TV and take my story and case to the whole world since UC has continued to retaliate viciously against me with no compensation since 2003! Since 2001, I have been whistle blowing about the un safe underground surgery. The officials at UCLA ignored me as they have continued to do. After all, UCLA is a public institution and the law should be followed including compensation for whistle blowing. I believe UC's whistle blowing policies are just another way they contrive with their policies to avoid following the law as others. I hope to work this out. If not, then my below remedy for 50 million dollars will stay in place as my officially "filed" letter to a official with your UCLA whistle blowing ; and *as* well I will be forced to take this situation to the people of the world.
I started working at UCLA July 2001 in the main operating room. The care there was very

substandard and federal and state laws for patient care were not followed. I did much whistle blowing of hundreds of violations while I worked there. My last whistle blowing letter was to President Dynes on December 31, 2004. I had unbelievable retaliation from my supervisor, Dr. Chan, Chris Pizzulli and Jasmine Briones who maliciously with intent created a hostile work environment that increased dangerously in intensity trying to run me off until on January 21, 2005, I was injured on the job from all the retaliation from them for my whistle blowing. I have filed with the President Dynes. No one has compensated me for all my harm. How can you compensate someone who was assaulted, discriminated and retaliated against and their enjoyment of life completely taken away? My remedy is for 50 million dollars to be paid to me for all this harm. And that won't compensate. You can not put a number on the unreal quantity of the harm the top manage of UCLA did to me as well as previous

employees and thousands of patients. I have lost my career and life from the retaliation. I have no use of my hand. I have severe headaches. These remedies here have nothing to do with the workman compensation benefits. This harm is not covered by that except it has caused harm for medical mal practice and other harm.

Just recently UCLA cut off my health insurance without any warning or notice which is against federal law as well *as* I am still a UC employee as I have received no notification as well I was injured by the retaliation on the job and they cut my insurance! My retaliation harm directly related from the June 10, 2003, racial discrimination and whistle blowing to today. I had whistle blown about unsafe care in the operating room prior to this.

UCLA cut off my medical insurance before I have been notified of discharge. I have no health insurance no did UCLA notify me of such. I was forced to accept care from w/c not my from my health insurance with

my physician. This was due to the retaliation for my whistle blowing that I was forced to endure this. I was forced to see doctors I did not wish to see such as Dr. Newton and Dr. Perchmam for the workman's comp. If my supervisors had not retaliated against me I would not have been required to see these doctors. I was made to accept test and other treatments that I believe have and will continue harm my health. The UC Octagon Risk Group has harmed me with their schedules of treatment and withholding of care. Dr. Newton, Chris Pizzulli and Mellanie Lorenzo deliberately withheld my w/c benefits due to this retaliation. That is a "felony" in itself and should be prosecuted by the district attorney. Does anyone have any idea of how long and how horendous this list of violations of the law is by UCLA? This is a public trust!!!! In January 2006, I acquired kidney disease in getting kidney stones from the retaliation and subsequent injury. The kidney stones were from all the hundreds of pills I

have had to take, lack of exercise and I only eat fast food *as* I no longer can use my left hand to cook. Oh, and UCLA had cut off my health insurance! Other recent damage directly harm from the UCLA retaliation is for the first time in my life I have been turned over to collection agencies and my credit has been ruined because I have no income. I have all my life had "perfect" credit. My financial life has been ruined for the first time and I am over 50 and have been a Registered Nurse for 30 years. UCLA does nothing month after month the harm directly related to my whistle blowing just keeps mounting up and staying well with the 12 month period for filing. I think UCLA likes to litigate and so that is not viable for me as I want results *as* I have been so harmed and UCLA just wants to continue covering up.

The much previous harm starting in 2003, I have sent to the previous Chancellor and President Dynes. I have not had compensation for any of the harm from UCLA. I filed over one hundred incident reports

to the UCLA Risk Department before I was injured. "The Public" owes me for saving their life and that of their loved ones.

I do not believe UCLA intends to follow the retaliation laws but continue to try and circumvent the law with their own unreasonable requirements. People actually think UCLA is a hospital to help people! How wrong they are! Poor people.

This letter will serve as my whistle blowing written complaint of a UCLA officer as the subject of the contents my retaliation, threats, and assaults from my supervisors at UCLA. My last harm directly from my whistle blowing is described above and being with in the year of the last harm to me for the statute of limitations

Pursuant to the California Government Code section 8547.10 I swear under penalty of perjury under the laws of the State of California that the facts set forth in the statement of the complaint, above, and in any supporting information submitted with the

complaint, are true and correct to the best of my knowledge and belief.

Signed this day of July 26, 2006, in Beverly Hills, CA.

s:/Mary Jones

_____

Complainant's signature

Sincerely,

Mary Jones

P.O. Box 596

Beverly Hills, CA 90213

APPENDIX J

IN THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA COUNTY OF
LOS ANGELES,
CENTRAL DISTRICT

Mary Jones,

Plaintiff

BC344988

ORDER SUSTAINING PLAINTIFF'S MOTION FOR INJUNCTION AGAINST DEFENDANT THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ORDERING DEFENDANT TO IMMEDIATELY CEASE AND DESIST COERCING AND REQUIRING ANY EMPLOYEE TO WAIVE THEIR CONSTITUTIONAL RIGHTS TO FREE SPEECH AS A CONDITION TO FILING A RETALIATION COMPLAINT UNDER THE CALIFORNIA WHISTLEBLOWER ACT.

On this day, the Court considered the Plaintiff's motion for an injunction against Defendant, Regents of The University of California, to cease and desist their requirement for an employee to waive his/her constitutional rights as part of their policy for an employee filing a California Whistle blowing retaliation complaint.

1. The Motion has been properly served.
2. The Court has jurisdiction in this matter.
3. Regents The University of California has Policy and Procedure that violates an individual's United States Constitutional Rights and the California State Constitution guaranteeing the right of free speech.
4. The United States Constitution and The California Constitution provides for individual free speech.
5. No Congress or Other Government may violate these Constitutional Rights.

It is therefore, ORDERED, ADJUDGED and DECREED, that Plaintiff's motion for Injunction against Defendant be sustained; it is further

ORDERED, ADJUDGED, and DECREED that Defendant, Regents of The University of California, cease and desist violating the Constitutional Right to free speech in their policy and procedures for Retaliation of the California Whistleblower Act.

SIGNED this _____day of _____, 2006.

_____

HONORABLE EDWARD A. FERNS
SUPERIOR COURT JUDGE